

**PB# 74-17**

**Hercules  
(Con Ed.)**

74-17 Hercules (Con Ed.)

never materialized  
filed with Town Clerk  
office 8/26/86 sh.



1763

Chief

John McCann

Deputy Chiefs

George Babcock

Thomas Gorton

Edward Kirwan

Michael Popowick

Robert Welsh

Sidney Weinheim

BUREAU OF FIRE PREVENTION

TOWN OF NEW WINDSOR

555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

RECEIVED

MAY 21 1974

NEW WINDSOR PLANNING BOARD

May 9, 1974

New Windsor Planning Board  
555 Union Ave  
New Windsor, N. Y.

Gentlemen:

The attached Hercules (Con Ed) site plan was reviewed by this Bureau on May 7, 1974. Before comments can be given, additional information is necessary. For example, a plot plan would be necessary giving the exact location of the proposed site. We would also need to know the distance from the nearest railroad and public highway.

The New Windsor Fire Prevention Code specifies distances from the railroads and highways depending upon the amount of explosives to be stored.

We will be waiting to hear from you when further information is available.

Very truly yours

*John McCann*  
John McCann  
Chief

cc Supervisor Fischer



Date 24 April 74

Application No. \_\_\_\_\_

TOWN OF NEW WINDSOR PLANNING BOARD

APPLICATION FOR SITE APPROVAL

Name Atkinson-Walsh-Dravo

Address P. O. Box 445, Cornwall-on-Hudson, NY 12520 914-534-2581

1. Owner of the property Windsor Building Supplies Co., Inc.

2. Location of the property Plum Point (Sloop Hill)

3. Zone area G.I.

4. Nature of business Explosives Storage - Cornwall Hydroelectric Pumped  
Storage Project

5. Lot size: Front N/A Rear \_\_\_\_\_ Depth \_\_\_\_\_

6. Building setbacks: Front yard N/A Rear yard \_\_\_\_\_  
Side yards \_\_\_\_\_

7. Dimensions of new building Two - 7' x 21' Powder Magazine

One - 7' x 12' CAP Magazine

One - 8' x 12' CAP Magazine

Addition N/A

If addition, state front, side, rear of existing structure:

Compliance with requirements shall be the sole responsibility of the applicant or his representative and it is suggested a copy of the Zoning Ordinance be obtained, with particular attention to Article X to avoid rejection of the plans.

I do hereby affirm that all fees, permits and charges applicable under the laws and ordinances of the State of New York and the Town of New Windsor will be paid and that any expense for advertising of Public Hearing or meetings will be paid. Also, any legal or engineering fees for review of this project. Fees are due and payable upon submission of preliminary plans. All checks are to be made payable to the Town of New Windsor. Seven (7) copies of the plans are required.

Signature of applicant

J. Goddier, Jr.

Project Manager

Adopted 10/5/70

BERNARD KESSLER, P.E.  
*Consulting Engineer*  
6 FLEETWOOD AVENUE  
Spring Valley, N.Y. 10977

(914) 356-0217

May 6, 1974

To: Planning Board of New Windsor

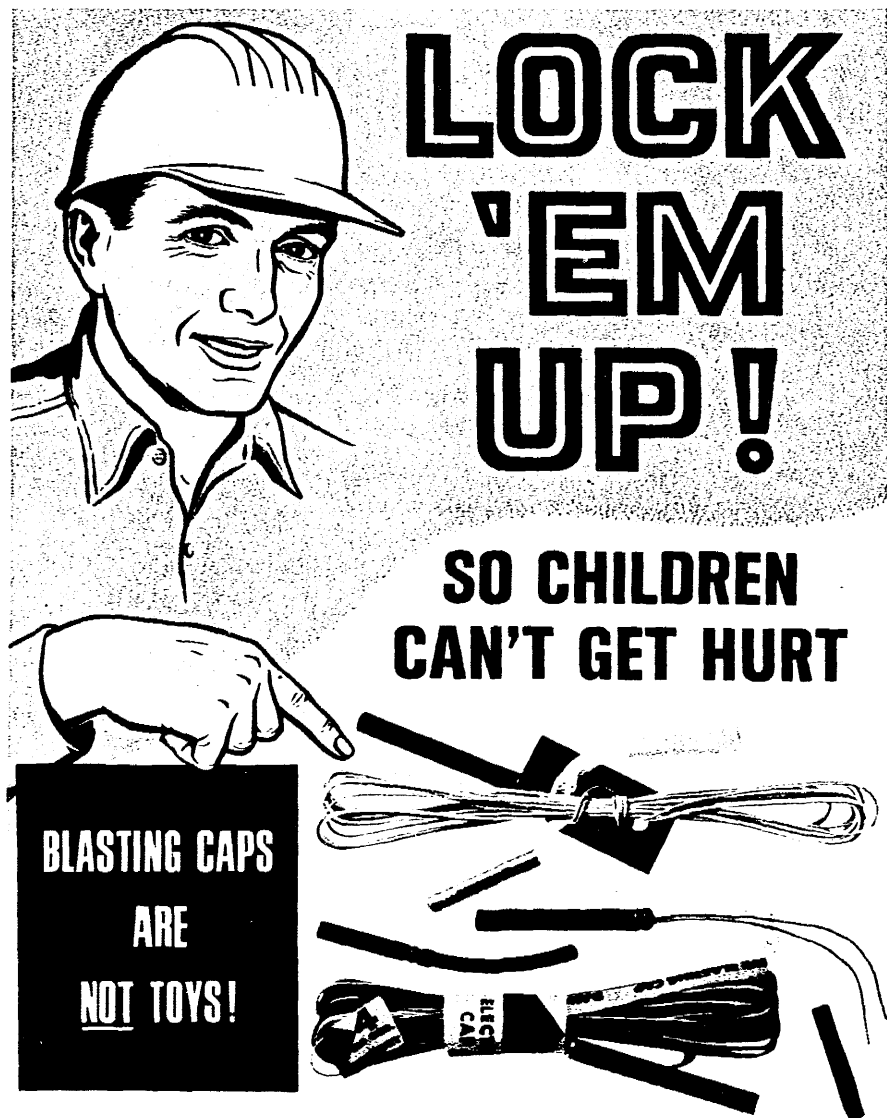
Subject: Hercules Powder Magazine

Two questions must be resolved on this site plan.

1. Is the storage of explosives a permitted use in this zone? This use is expressly prohibited in the OL I district (Section 48-12-D(4)), but is not mentioned in the expressly prohibited uses in the GI district (Section 48-13-D), therefore I believe it can be considered as a permitted use.

2. If the nearest railroad line does carry passengers, then the magazines appear to be too close to the railway according to the American Table of Distances. The edition dated November 1971, recommends a separation of 876 feet while approximately 700 feet is provided. The Federal Register, dated January 1971 requires only 470 feet. If there are no passenger trains on the railway there is no safety distance required. If passengers are carried, the above discrepancies must be resolved.

*Bernard Kessler*



**LOCK  
'EM  
UP!**

**SO CHILDREN  
CAN'T GET HURT**

**BLASTING CAPS  
ARE  
NOT TOYS!**

**INSTITUTE OF  
MAKERS OF  
EXPLOSIVES**

**SAFETY LIBRARY • PUBLICATION NO. 2**

**The  
American Table  
of  
Distances**

**REVISED EDITION NOVEMBER 1971**



420 LEXINGTON AVENUE  
NEW YORK, N.Y. 10017

## MEMBER COMPANIES

### APACHE POWDER COMPANY

Benson, Arizona 85602

### AUSTIN POWDER COMPANY

Cleveland, Ohio 44122

### THE DOW CHEMICAL COMPANY

Midland, Michigan 48640

### E. I. DU PONT DE NEMOURS & CO., INC.

Wilmington, Delaware 19898

### THE ENSIGN-BICKFORD COMPANY

Simsbury, Connecticut 06070

### HERCULES INCORPORATED

Wilmington, Delaware 19899

### ICI AMERICA INC.

Wilmington, Delaware 19899

### IRECO CHEMICALS

Salt Lake City, Utah 84111

### MONSANTO COMPANY

St. Louis, Missouri 63166

### SIERRA CHEMICAL COMPANY

Reno, Nevada 89502

### TROJAN-U.S. POWDER

Division of Commercial Solvents Corporation

Allentown, Pennsylvania 18105

## APPENDIX

### Example 2

### ANFO Mix Plant (Figure 1)

M <sub>1</sub>	100,000 lbs. Fertilizer AN Prills (maximum)
M <sub>2</sub>	2,500 lbs. ANFO (maximum)
M <sub>3</sub>	80,000 lbs. ANFO (maximum)
D <sub>12</sub>	20 ft.
D <sub>23</sub>	20 ft.
D <sub>13</sub>	50 ft.

No other stores on site; a 4-foot-thick earth barricade exists at B (Figure 1).

Potential Donor	Potential Acceptor	Distance On Site (ft.)	Table Distance, Minimum Required (ft.)	Propagation Possible?
M <sub>2</sub> (2,500 lbs.)	M <sub>1</sub>	20	9	No
M <sub>2</sub> (2,500 lbs.)	M <sub>3</sub>	20	6 × 32 = 192	Yes
M <sub>3</sub> (80,000 lbs.)	M <sub>1</sub>	50	28	No
M <sub>3</sub> (80,000 lbs.)	M <sub>2</sub>	20	6 × 191 = 606	Yes
Combined M <sub>2</sub> + M <sub>3</sub> (82,500 lbs.)	M <sub>1</sub>	49*	30	No

### Conclusion:

The maximum amount of blasting agent to be considered for public protection at this site is the sum of M<sub>2</sub> plus M<sub>3</sub> or 82,500 pounds. In accordance with the American Table of Distances, the required separation distance from an inhabited building (unbarricaded) is 2,000 feet. If a natural or artificial barricade protects the building, the required distance is 1,730 feet.

\*Compute weighted distance to combined mass by equation 1:

$$\frac{2,500 \times 20 + 80,000 \times 50}{2,500 + 80,000} = 49 \text{ feet}$$

## APPENDIX

### Example 1 ANFO Mix Plant (Figure 1)

M <sub>1</sub>	100,000 lbs. Fertilizer AN Prills (maximum)
M <sub>2</sub>	2,500 lbs. ANFO (maximum)
M <sub>3</sub>	80,000 lbs. ANFO (maximum)
D <sub>12</sub>	20 ft.
D <sub>23</sub>	20 ft.
D <sub>13</sub>	50 ft.

No other stores on site; no barricade exists.

Potential Donor	Potential Acceptor	Distance On Site (ft.)	Table Distance, Minimum Required (ft.)	Propagation Possible?
M <sub>2</sub> (2,500 lbs.)	M <sub>1</sub>	20	$9 \times 6 = 54$	Yes
M <sub>2</sub> (2,500 lbs.)	M <sub>3</sub>	20	$32 \times 6 = 192$	Yes
M <sub>3</sub> (80,000 lbs.)	M <sub>1</sub>	50	$28 \times 6 = 168$	Yes
M <sub>3</sub> (80,000 lbs.)	M <sub>2</sub>	20	$101 \times 6 = 606$	Yes

#### Conclusion:

The maximum amount of blasting agent to be considered for public protection at this site is sum of all masses, reducing Fertilizer AN mass by 50 percent as indicated in Paragraph 23.

$$\begin{array}{r}
 100,000 \times 50\% = 50,000 \\
 2,500 \\
 80,000 \\
 \hline
 \end{array}$$

132,500 pounds

In accordance with the American Table of Distances, the required separation distance from an inhabited building (unbarricaded) is 2,000 feet.

## PREFACE

In 1909, at the suggestion of the Chief Inspector of the Bureau of Explosives, representing the American Railway Association, the Association of Manufacturers of Powder and High Explosives appointed a special committee to study the location of explosives magazines with respect to inhabited buildings and public (passenger) railways.

The committee found that existing foreign requirements were of little help, in that they neither provided for the larger quantities necessary in the United States, nor gave a logical basis for an approach to the problem. Consequently, the committee decided to prepare an American Table of Distances based on the accumulated experience of explosions that had occurred.

Gathering and correlating the data was a tremendous undertaking, since it involved quantities of explosives ranging from very small amounts to approximately a million pounds in manufacture, storage and transportation, both in this country and abroad, covering a period of almost fifty years. The committee's effort was rewarded, however, because it resulted in the establishment in December 1910 of the American Table of Distances for inhabited buildings and public railways.

It soon became evident that the table should also include recommended minimum distances between public highways and buildings utilized for the manufacture or permanent storage of commercial explosives. In 1914, after further study, these highway distances were approved and adopted by the Institute of Makers of Explosives (founded in 1913) in conjunction with the former special committee of the Association of Manufacturers.

The American Table of Distances was reviewed by the Institute of Makers of Explosives in 1919 and again in 1939, in the light of additional experience. No significant changes resulted, however, in either case.

In 1950, a number of new factors brought about another detailed study of the table. One of the most important of these factors was the need to distinguish between military explosives such as bombs, projectiles, etc., and commercial explosives, in which there is virtually no missile hazard. Another was to point out the fact that the table specifically covers manufacture and permanent storage, and is not applicable in the case of transportation or any handling and temporary storage necessary or incident thereto.

Since 1950, considerable additional data on blast effects from explosions have been accumulated by government agencies and in industrial laboratories. The present edition comprises revisions and additions made after careful consideration of these findings together with the excellent experience acquired in 60 years of use.

In the study of explosion damage data, the criteria for inhabited buildings was the distance at which substantial structural damage took place. For example, such minor damage as the breaking of window glass and the shaking down of plaster was not considered. This necessitated the acceptance of a definition for substantial structural damage, from two points of view:

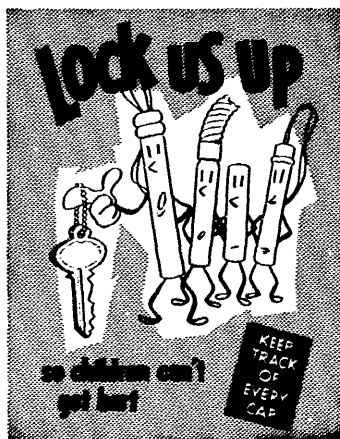
#### DAMAGE TO PROPERTY —

It was concluded that no damage which was readily repairable should be considered "substantial" for the purpose in view.

#### RISK TO LIFE AND LIMB —

It was concluded that unless some integral portion of the building was damaged, the occupants would not be subjected to serious risks.

Storage of large quantities of explosives in heavily populated or built-up areas should be avoided. While the tables provide adequate and reasonable protection for exposures in rural areas, the statistical nature of blast damage makes it inadvisable to subject multiple exposures to blasts at the distances prescribed. This consideration has lead to an increase in distances required from major highways.



## APPENDIX

In applying the American Table of Distances to distances from highways, railroads, and inhabited buildings, distances are measured from the nearest edge of potentially explodable material as prescribed in the American Table of Distances, Note 5. (See Appendix to NFPA No. 495, Code for the Manufacture, Transportation, Storage, and Use of Explosives and Blasting Agents.)

When all or part of a potential acceptor comprises Explosives Class A as defined in DOT regulations, storage in bullet-resistant magazines is required. Safe distances to stores in bullet-resistant magazines may be obtained from the intermagazine distances prescribed in the American Table of Distances.

Barricades must not have line-of-sight openings between potential donors and acceptors which permit blast or missiles to move directly between masses.

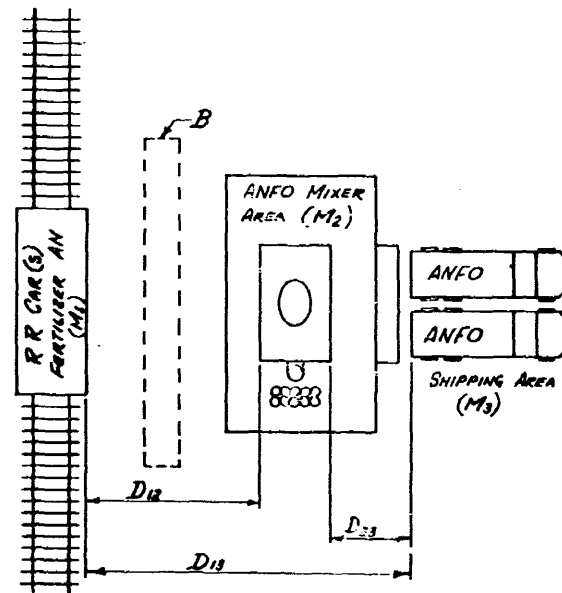


Figure 1.

## APPENDIX

### GUIDE TO USE OF TABLE OF RECOMMENDED SEPARATION DISTANCES OF AMMONIUM NITRATE AND BLASTING AGENTS FROM EXPLOSIVES OR BLASTING AGENTS

Sketch location of all potential donor and acceptor materials together with the *maximum* mass of material to be allowed in that vicinity. (Potential donors are high explosives, blasting agents, and combination of masses of detonating materials. Potential acceptors are high explosives, blasting agents, and ammonium nitrate.)

Consider separately each donor mass in combination with each acceptor mass. If the masses are closer than table allowance (distances measured between nearest edges), the combination of masses becomes a new potential donor of weight equal to the total mass. When individual masses are considered as donors, distances to potential acceptors shall be measured between edges. When combined masses within propagating distance of each other are considered as a donor, the appropriate distance to the edge of potential acceptors shall be computed as a weighted distance from the combined masses.

Calculation of weighted distance from combined masses:

Let  $M_2, M_3, \dots, M_n$  be donor masses to be combined.

$M_1$  is a potential acceptor mass.

$D_{12}$  is distance from  $M_1$  to  $M_2$  (edge to edge).

$D_{13}$  is distance from  $M_1$  to  $M_3$  (edge to edge), etc.

To find weighted distance [ $D_{1(2,3,\dots,n)}$ ] from combined masses to  $M_1$ , add the products of the individual masses and distances and divide the total by the sum of the masses thus:

$$D_{1(2,3,\dots,n)} = \frac{M_2 \times D_{12} + M_3 \times D_{13} + \dots + M_n \times D_{1n}}{M_2 + M_3 + \dots + M_n} \quad (1)$$

Propagation is possible if either an individual donor mass is less than the tabulated distance from an acceptor or a combined mass is less than the weighted distance from an acceptor.

In determining the distances separating highways, railroads, and inhabited buildings from potential explosions (as prescribed in the American Table of Distances), the sum of all masses which may propagate (i.e., lie at distances less than prescribed in the Table) from either individual or combined donor masses are included. However, when the ammonium nitrate must be included, only 50 percent of its weight shall be used because of its reduced blast effects.

## PRINCIPAL CHANGES IN THIS EDITION

### *Change in Barricaded Distance Requirements*

Air blast damage at distances in excess of a few tens of feet is little affected by revetment or natural barricades. However, missile hazards are substantially affected by barricades. Accumulated experience plus recent studies of explosion-propelled missiles indicates that at large distances the doubling of the barricaded distance is not required. The revised tables reflect this finding.

### *Change in Distances to Main Highways*

Blast effects on vehicles have been analyzed extensively by government agencies in connection with assessing affects of military weapons. This work has shown the recommended increase in distances from stored explosives to heavily travelled, high-speed highways as given in the table are necessary. Consultation and advice from the Department of Defense, Armed Services Explosives Safety Board, is gratefully acknowledged in our analysis of this problem.

The distances given in the table are not to be construed as superseding the distances in any federal, state or municipal laws, ordinances or regulations.

### *Table of Recommended Separation Distances (Appendix)*

Fundamental to proper application of the American Table of Distances for Storage of Explosives is the question of whether adjacent stores of explodable materials can propagate from an explosion at one source. If propagation can occur, the respective weights must be summed in determining safe distances from dwelling, highways, and passenger railways. The Appendix comprises such non-propagating distances with definitions, explanations, and examples.

### NOTE:

USE THE AMERICAN TABLE OF DISTANCES FOR STORAGE OF EXPLOSIVES TO DETERMINE SAFE DISTANCES FROM INHABITED DWELLINGS, HIGHWAYS, PASSENGER RAILWAYS, AND BETWEEN EXPLOSIVES MAGAZINES.

USE THE APPENDIX, SEPARATION DISTANCES OF AMMONIUM NITRATE AND BLASTING AGENTS FROM EXPLOSIVES OR BLASTING AGENTS, TO DETERMINE NON-PROPAGATING DISTANCES TO ANFO BLASTING AGENTS AND TO AMMONIUM NITRATE.

USE THE GREATER OF THE DISTANCES SHOWN IN THE AMERICAN TABLE OF DISTANCES AND IN THE TABLE OF RECOMMENDED SEPARATION DISTANCES TO DETERMINE THE REQUIRED SEPARATION BETWEEN A MAGAZINE FOR STORAGE OF EXPLOSIVES AND A MAGAZINE FOR STORAGE OF BLASTING AGENTS.

NOVEMBER 5, 1971

# AMERICAN TABLE OF DISTANCES FOR STORAGE OF EXPLOSIVES

As Revised and Approved by The Institute of Makers of Explosives — November 5, 1971

DISTANCES IN FEET

EXPLOSIVES		Inhabited Buildings		Public Highways Class A to D		Passenger Railways — Public Highways with Traffic Volume of more than 3,000 Vehicles/Day		Separation of Magazines	
Pounds Over	Pounds Not Over	Barri-caded	Unbarri-caded	Barri-caded	Unbarri-caded	Barri-caded	Unbarri-caded	Barri-caded	Unbarri-caded
2	5	70	140	30	60	51	102	6	12
5	10	90	180	35	70	64	128	8	16
10	20	110	220	45	90	81	162	10	20
20	30	125	250	50	100	93	186	11	22
30	40	140	280	55	110	103	206	12	24
40	50	150	300	60	120	110	220	14	28
50	75	170	340	70	140	127	254	15	30
75	100	190	380	75	150	139	278	16	32
100	125	200	400	80	160	150	300	18	36
125	150	215	430	85	170	159	318	19	38
150	200	235	470	95	190	175	350	21	42
200	250	255	510	105	210	189	378	23	46
250	300	270	540	110	220	201	402	24	48
300	400	295	590	120	240	221	442	27	54
400	500	320	640	130	260	238	476	29	58
500	600	340	680	135	270	253	506	31	62
600	700	355	710	145	290	266	532	32	64
700	800	375	750	150	300	278	556	33	66
800	900	390	780	155	310	289	578	35	70
900	1,000	400	800	160	320	300	600	36	72
1,000	1,200	425	850	165	330	318	636	39	78
1,200	1,400	450	900	170	340	336	672	41	82
1,400	1,600	470	940	175	350	351	702	43	86
1,600	1,800	490	980	180	360	366	732	44	88
1,800	2,000	505	1,010	185	370	378	756	45	90
2,000	2,500	545	1,090	190	380	400	816	49	98
2,500	3,000	580	1,160	195	390	432	864	52	104
3,000	4,000	635	1,270	210	420	474	948	58	116
4,000	5,000	685	1,370	225	450	513	1,026	61	122
5,000	6,000	730	1,460	235	470	546	1,092	65	130
6,000	7,000	770	1,540	245	490	573	1,146	68	136
7,000	8,000	800	1,600	250	500	600	1,200	72	144
8,000	9,000	835	1,670	255	510	624	1,248	75	150
9,000	10,000	865	1,730	260	520	645	1,290	78	156
10,000	12,000	875	1,750	270	540	687	1,374	82	164
12,000	14,000	885	1,770	275	550	723	1,446	87	174
14,000	16,000	900	1,800	280	560	756	1,512	90	180
16,000	18,000	940	1,880	285	570	786	1,572	94	188
18,000	20,000	975	1,950	290	580	813	1,626	98	196
20,000	25,000	1,055	2,000	315	630	876	1,752	105	210
25,000	30,000	1,130	2,000	340	680	933	1,866	112	224
30,000	35,000	1,205	2,000	360	720	981	1,962	119	238
35,000	40,000	1,275	2,000	380	760	1,026	2,000	124	248
40,000	45,000	1,340	2,000	400	800	1,068	2,000	129	254
45,000	50,000	1,400	2,000	420	840	1,104	2,000	135	276
50,000	55,000	1,460	2,000	440	880	1,140	2,000	140	280
55,000	60,000	1,515	2,000	455	910	1,173	2,000	145	290
60,000	65,000	1,565	2,000	470	940	1,206	2,000	150	300
65,000	70,000	1,610	2,000	485	970	1,236	2,000	155	310
70,000	75,000	1,655	2,000	500	1,000	1,263	2,000	160	320
75,000	80,000	1,695	2,000	510	1,020	1,283	2,000	165	330
80,000	85,000	1,730	2,000	520	1,040	1,317	2,000	170	340
85,000	90,000	1,760	2,000	530	1,060	1,344	2,000	175	350
90,000	95,000	1,790	2,000	540	1,080	1,368	2,000	180	360
95,000	100,000	1,815	2,000	545	1,090	1,382	2,000	185	370
100,000	110,000	1,835	2,000	550	1,100	1,437	2,000	195	390
110,000	120,000	1,855	2,000	555	1,110	1,479	2,000	205	410
120,000	130,000	1,875	2,000	560	1,120	1,521	2,000	215	430
130,000	140,000	1,890	2,000	565	1,130	1,557	2,000	225	450
140,000	150,000	1,900	2,000	570	1,140	1,593	2,000	235	470
150,000	160,000	1,935	2,000	580	1,160	1,625	2,000	245	490
160,000	170,000	1,965	2,000	590	1,180	1,662	2,000	255	510
170,000	180,000	1,990	2,000	600	1,200	1,695	2,000	265	530
180,000	190,000	2,010	2,010	605	1,210	1,725	2,000	275	550
190,000	200,000	2,030	2,030	610	1,220	1,755	2,000	285	570
200,000	210,000	2,055	2,055	620	1,240	1,782	2,000	295	590
210,000	230,000	2,100	2,100	635	1,270	1,836	2,000	315	630
230,000	250,000	2,155	2,155	650	1,300	1,880	2,000	335	670
250,000	275,000	2,215	2,215	670	1,340	1,950	2,000	360	720
275,000	300,000	2,275	2,275	690	1,380	2,000	2,000	385	770

## APPENDIX

### Notes to Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents

NOTE 1 — Recommended separation distances to prevent explosion of ammonium nitrate and ammonium nitrate-based blasting agents by propagation from nearby stores of high explosives or blasting agents referred to in the Table as the "donor." Ammonium nitrate, by itself, is not considered to be a donor when applying this Table. Ammonium nitrate, ammonium nitrate-fuel oil or combinations thereof are acceptors. If stores of ammonium nitrate are located within the sympathetic detonation distance of explosives or blasting agents, one-half the mass of the ammonium nitrate should be included in the mass of the donor.

These distances apply to the separation of stores only. The American Table of Distances shall be used in determining separation distances from inhabited buildings, passenger railways and public highways.

NOTE 2 — When the ammonium nitrate and/or blasting agent is not barricaded the distances shown in the Table shall be multiplied by six. These distances allow for the possibility of high velocity metal fragments from mixers, hoppers, truck bodies, sheet metal structures, metal containers, and the like which may enclose the "donor." Where storage is in bullet-resistant magazines\* recommended for explosives or where the storage is protected by a bullet-resistant wall, distances and barricade thicknesses in excess of those prescribed in the American Table of Distances are not required.

NOTE 3 — The distances in the Table apply to ammonium nitrate that passes the insensitivity test prescribed in the definition of ammonium nitrate fertilizer promulgated by the National Plant Food Institute;† and ammonium nitrate failing to pass said test shall be stored at separation distances determined by competent persons and approved by the authority having jurisdiction.

NOTE 4 — These distances apply to nitro-carbo-nitrates and blasting agents which pass the insensitivity test prescribed in the U.S. Department of Transportation (DOT) regulations.

NOTE 5 — Earth, or sand dikes, or enclosures filled with the prescribed minimum thickness of earth or sand are acceptable artificial barricades. Natural barricades, such as hills or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the "donor" when the trees are bare of leaves, are also acceptable.

NOTE 6 — When the ammonium nitrate must be counted in determining the distances to be maintained from inhabited buildings, passenger railways and public highways, it may be counted at 1/2 its actual weight because its blast effect is lower.

\*For construction of bullet-resistant magazines see IME Publication No. 1.

†Definition and Test Procedures for Ammonium Nitrate Fertilizer, National Plant Food Institute, November 1964.

Reprinted from Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents, NFPA No. 492 — 1968 Edition, Copyrighted by National Fire Protection Association. Reproduced by permission.



# APPENDIX

## Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents<sup>1,6</sup>

References — NFPA No. 492 & NFPA No. 495

Donor Weight		Minimum Separation Distance of Receptor when Barricaded <sup>2</sup> (ft.)		Minimum Thickness of Artificial Barricades <sup>5</sup> (in.)
Pounds Over	Pounds Not Over	Ammonium Nitrate <sup>3</sup>	Blasting Agent <sup>4</sup>	
	100	3	11	12
100	300	4	14	12
300	600	5	18	12
600	1,000	6	22	12
1,000	1,600	7	25	12
1,600	2,000	8	29	12
2,000	3,000	9	32	15
3,000	4,000	10	36	15
4,000	6,000	11	40	15
6,000	8,000	12	43	20
8,000	10,000	13	47	20
10,000	12,000	14	50	20
12,000	16,000	15	54	25
16,000	20,000	16	58	25
20,000	25,000	18	65	25
25,000	30,000	19	68	30
30,000	35,000	20	72	30
35,000	40,000	21	76	30
40,000	45,000	22	79	35
45,000	50,000	23	83	35
50,000	55,000	24	86	35
55,000	60,000	25	90	35
60,000	70,000	26	94	40
70,000	80,000	28	101	40
80,000	90,000	30	108	40
90,000	100,000	32	115	40
100,000	120,000	34	122	50
120,000	140,000	37	133	50
140,000	160,000	40	144	50
160,000	180,000	44	158	50
180,000	200,000	48	173	50
200,000	220,000	52	187	60
220,000	250,000	56	202	60
250,000	275,000	60	216	60
275,000	300,000	64	230	60

## EXPLANATORY NOTES ESSENTIAL TO THE APPLICATION OF THE AMERICAN TABLE OF DISTANCES FOR STORAGE OF EXPLOSIVES

NOTE 1 — "Explosive materials" means explosives, blasting agents, and detonators.

NOTE 2 — "Explosives" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. A list of explosives determined to be within the coverage of "18 U.S.C. Chapter 40, Importation, Manufacture, Distribution and Storage of Explosive Materials" is issued at least annually by the Director of the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service of the Department of Treasury.

NOTE 3 — "Blasting agents" means any material or mixture, consisting of fuel and oxidizer, intended for blasting, not otherwise defined as an explosive: Provided, That the finished product, as mixed for use or shipment, cannot be detonated by means of a number 8 test blasting cap when unconfined.

NOTE 4 — "Detonator" means any device containing a detonating charge that is used for initiating detonation in an explosive; the term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses and detonating-cord delay connectors.

NOTE 5 — "Magazine" means any building or structure, other than an explosives manufacturing building, used for the permanent storage of explosive materials.

NOTE 6 — "Natural Barricade" means natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the magazine when the trees are bare of leaves.

NOTE 7 — "Artificial Barricade" means an artificial mound or revetted wall of earth of a minimum thickness of three feet.

NOTE 8 — "Barricaded" means that a building containing explosives is effectually screened from a magazine, building, railway, or highway, either by a natural barricade, or by an artificial barricade of such height that a straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine, or building, or to a point twelve feet above the center of a railway or highway, will pass through such intervening natural or artificial barricade.

NOTE 9 — "Inhabited Building" means a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosives.

NOTE 10 — "Railway" means any steam, electric, or other railroad or railway which carries passengers for hire.

NOTE 11 — "Highway" means any street or public road. "Public Highways Class A to D" are highways with average traffic volume of 3,000 or less vehicles per day as specified in "American Civil Engineering Practice" (Abbett, Vol. 1, Table 46, Sec. 3-74, 1956 Edition, John Wiley and Sons).

NOTE 12—When two or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways, and highways, and, in addition, they should be separated from each other by not less than the distances shown for "Separation of Magazines," except that the quantity of explosives contained in cap magazines shall govern in regard to the spacing of said cap magazines from magazines containing other explosives. If any two or more magazines are separated from each other by less than the specified "Separation of Magazines" distances, then such two or more magazines, as a group, must be considered as one magazine, and the total quantity of explosives stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group, and must comply with the minimum of distances specified from other magazines, inhabited buildings, railways, and highways.

NOTE 13—Storage in excess of 300,000 lbs. of explosives in one magazine is generally not required for commercial enterprises; however, IME will provide recommendations for quantities greater than 300,000 lbs. in one magazine upon inquiry.

NOTE 14—This Table applies only to the manufacture and permanent storage of commercial explosives. It is not applicable to transportation of explosives or any handling or temporary storage necessary or incident thereto. It is not intended to apply to bombs, projectiles, or other heavily encased explosives.

For transportation purposes, the Department of Transportation in Title 49 Transportation CFR Parts 1-199 subdivides explosives into three classes:

- Class A—Maximum Hazard
- Class B—Flammable Hazard
- Class C—Minimum Hazard

NOTE 15—All types of blasting caps in strengths through No. 8 cap should be rated at 1½ lbs. of explosives per 1,000 caps. For strengths higher than No. 8 cap, consult the manufacturer.

NOTE 16—For quantity and distance purposes, detonating cord of 50 to 60 grains per foot should be calculated as equivalent to 9 lbs. of high explosives per 1,000 feet. Heavier or lighter core loads should be rated proportionately.

## APPENDIX

### SEPARATION DISTANCES OF AMMONIUM NITRATE AND BLASTING AGENTS FROM EXPLOSIVES OR BLASTING AGENTS<sup>1</sup>

#### DERIVATION OF THE TABLE OF SEPARATION DISTANCES

A test program sponsored by industry with cooperation of the Manufacturing Chemists' Association and the Institute of Makers of Explosives and conducted by the Bureau of Mines<sup>2</sup> developed data on the relative sensitivity of ammonium nitrate (AN) and ammonium nitrate-fuel oil (ANFO) to sympathetic detonation. These data were applied to the foregoing American Table of Distances for Storage of Explosives to develop the following table of recommended separation distances for ammonium nitrate and blasting agents<sup>1</sup> from stores of high explosives or blasting agents.

The American Table of Distances for barricaded storage of explosives has been proven adequate through the years, and no data were developed in the test programs that would suggest that this table should be modified for explosives. On the other hand, a factor of 2 has been suggested in the past for increasing the distances listed in the American Table of Distances when the magazines are unbarricaded. The results, employing two charge sizes of AN and one charge size of ANFO, gave ratios of unbarricaded to barricaded distances of 4.2 to 7.4, for an average of about 6 which was taken as the appropriate factor. Thus, unbarricaded stores of AN or ANFO not in bullet-resistant magazines should have 6 times the separation distances as barricaded stores.

The relative sensitivity of AN and ANFO to dynamite was obtained by examining the relative K factors for 50 percent propagation distances when the cube root of the weight was employed in the usual equation:

$$S = KW^{1/3}$$

This equation allowed comparison of 1,600-pound dynamite acceptors with 5,400-pound AN and ANFO acceptors; results from these large charges are believed to be the most reliable available. The ratio of K factors for dynamite and AN was 6.27 which was rounded to 6; the ratio for dynamite and ANFO was 1.6. These factors were applied to the American Table of Distances by thus reducing the distance for barricaded ammonium nitrate to 1/6 the corresponding distance for explosives in the American Table of Distances and for ANFO to 6/10.

One point should be emphasized; the distances in the table are for separation of stores only. No change should be made in the American Table of Distances with respect to inhabited buildings, passenger railways, and public highways, as the blast effect from ANFO is not importantly less than for high explosives, but the blast effect from AN is about one-half that from high explosives. The blast effect is little modified by the presence of barricades, but the factor of 2 suggested in the American Table of Distances for separation of stores from inhabited buildings, passenger railways, and public highways for unbarricaded stores provides an additional safety factor and should be retained.

<sup>1</sup>The text and tables were published in 1968 by the National Fire Protection Assn., 60 Batterymarch St., Boston, Mass. as NFPA No. 492 and are republished by permission.

<sup>2</sup>Report of Investigations 6746, Sympathetic Detonation of Ammonium Nitrate and Ammonium Nitrate-Fuel Oil, by R. W. Van Dolah, F. C. Gibson and J. N. Murphy.

Report of Investigations 6903, Further Studies on Sympathetic Detonation, by R. W. Van Dolah, F. C. Gibson and J. N. Murphy.

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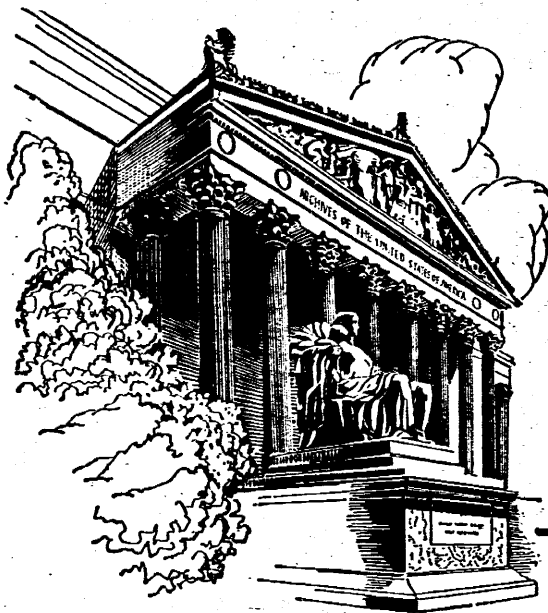
Friday, January 15, 1971 • Washington, D.C.

PART II

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

PART 181—COMMERCE IN  
EXPLOSIVES (Pub. 739)  
and  
EXPLOSIVES LIST



## Title 26—INTERNAL REVENUE

### Chapter I—Internal Revenue Service, Department of the Treasury

#### SUBCHAPTER E—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

#### PART 181—COMMERCE IN EXPLOSIVES

##### Issuance of Regulations

On December 8, 1970, a notice of proposed rule making to issue 26 CFR Part 181 to implement the provisions of Title XI, Regulation of Explosives, of the Organized Crime Control Act of 1970, was published in the FEDERAL REGISTER (35 FR 18603). In accordance with the notice, interested persons were afforded an opportunity to submit written comments, and an opportunity to be heard at a hearing held on December 29, 1970. After consideration of the written and oral comments received, the regulations as published in the FEDERAL REGISTER are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Section 181.11 is changed by (a) adding a sentence at the end of the definition of "Blasting agent," (b) deleting the words "but is not limited to" from the definition of "Detonator," (c) adding a sentence to the definition of "Distribute," (d) by adding language to the definitions of "Licensed manufacturer-limited," and "Manufacturer-limited," and (e) by adding in alphabetical sequence definitions of "Army-type structure," "Explosives," "Inhabited building," "User-limited permit," and "User permit."

PARAGRAPH 2. Section 181.27 is changed by deleting the word "material" and inserting instead the word "materials".

PARAGRAPH 3. Paragraph (c) of § 181.41 is changed by deleting the last two full sentences and the following cross reference, and by inserting in lieu thereof two sentences reading, "A permit shall, subject to the provisions of the Act and other applicable provisions of law, entitle the permittee to acquire, transport, ship, and receive in interstate or foreign commerce explosive materials of the class authorized by his permit. Only one permit is required under the provisions of this part."

PARAGRAPH 4. Section 181.46 is changed by adding, in the proviso and immediately following the words "is only valid for a single" and before the word "transaction" the word "purchase".

PARAGRAPH 5. Section 181.51 is changed by adding, in the provision and immediately following the words "only for a single" and before the word "transaction" the word "purchase".

PARAGRAPH 6. Section 181.52 is changed (including a change in title), for clarification.

PARAGRAPH 7. Paragraph (b) of § 181.54 is changed by adding a new sentence, immediately preceding the last sentence, to read, "Such application may include a request for approval of specific successive changes in location of an approved storage facility."

PARAGRAPH 8. Section 181.71 is changed by deleting from the first sentence thereof the word "proceedings" and by inserting instead the words "cases of willfulness or those", so that the sentence will read, "Except in cases of willfulness or those in which the public interest requires otherwise, \* \* \*".

PARAGRAPH 9. Paragraph (a) of § 181.103 is changed by restating the second proviso to read, "Provided further, That a multilicensed business organization may furnish to a distributor in lieu of a certified copy of each license, a list certified to be true, correct and complete, containing the name, address, license number, and the date of license expiration of each licensed location operated by such organization, and the distributor may sell or otherwise dispose of explosive materials as provided by this section to any licensee appearing on such list without requiring a certified copy of a license therefrom."

PARAGRAPH 10. Paragraph (e) of § 181.103 is changed by (1) inserting the word "purchase" immediately following the words "only for a single", appearing in the first sentence, and (2) inserting the words "the date," immediately following the words "of such permit "Transaction completed," appearing in the last sentence.

PARAGRAPH 11. Section 181.104 is changed by adding the words "license or" in the first sentence, making it read, "Except as provided in § 181.49(a), each person issued a license or permit under the provisions of this part shall be furnished together with his license or permit a copy thereof for his certification."

PARAGRAPH 12. Paragraph (d) of § 181.105 is changed by striking the word "distribute" immediately following the words "or a permittee may", and inserting instead the words "dispose of".

PARAGRAPH 13. Paragraph (a) of § 181.106 is changed by adding the words "or has reason to believe" immediately following the words "who the licensee knows"; and paragraph (c) thereof is changed by adding the words "or having reason to believe" immediately following the words "to any person knowing".

PARAGRAPH 14. Section 181.109 is changed by changing the period at the end thereof to a colon and by adding "Provided, That with respect to explosive materials of small size not suitable for marking on the individual item (for example, blasting caps), it shall only be necessary to place such identification marks on the containers used for their packaging."

PARAGRAPH 15. Paragraph (a) of § 181.121 is changed by deleting the period at the end thereof and by adding thereto the words, "for a period of not less than 5 years from the date the transaction occurs or until discontinuance of business or operations by the licensee or permittee. (See also § 181.128.)"

PARAGRAPH 16. Paragraph (c) of § 181.122 is changed by (1) deleting "class, manufacturer," from the first sentence thereof, and inserting instead the words, "class (as prescribed in the Explosives List), manufacturer,"; and (2)

adding "(b)," in the second sentence, between "§ 181.103" and "(c)".

PARAGRAPH 17. Paragraph (c)(1) of § 181.123 is changed by (1) deleting "class, manufacturer, or importer," from the first sentence thereof, and inserting instead the words, "class (as prescribed in the Explosives List), and manufacturer or importer,"; and (2) adding "(b)," in the second sentence, between "§ 181.103" and "(c)".

PARAGRAPH 18. Paragraph (d) of § 181.124 is changed by adding "(b)," to the next to the last sentence so that it will read, "The information required by § 181.103 (b), (c) and (d) shall also be maintained as part of the records of the licensed dealer."

PARAGRAPH 19. Section 181.125 is changed to reflect clarifying and editorial changes in paragraphs (a) through (c), and to add paragraph (d).

PARAGRAPH 20. Section 181.127 is changed by deleting "§ 181.29." at the end thereof and by inserting instead "§ 181.30."

PARAGRAPH 21. Section 181.182 is changed as follows:

(1) By adding at the end of paragraph (a) the words "(For example, dynamite.)".

(2) By adding at the end of paragraph (b) the words "(For example, black powder.)".

(3) By adding at the end of paragraph (c) the words "(For example, ammonium nitrate-fuel oil.)".

PARAGRAPH 22. Paragraphs (d) and (e) of § 181.183 are changed.

PARAGRAPH 23. Section 181.186 is changed by redesignating paragraph (a) as paragraph (a)(1); by redesignating (b) as paragraph (a)(2); by adding a proviso in paragraph (a)(1) as redesignated; and by adding new paragraphs (b) and (c).

PARAGRAPH 24. Section 181.187 is changed as follows:

(1) By changing the text preceding paragraph (a) to read, "A type 1 storage facility shall be a permanent structure; a building, an igloo or Army-type structure, a tunnel, or a dugout. It shall be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and well ventilated."

(2) By changing the last sentence of paragraph (a)(10) to read, "Vents in the foundation, roof, or gables shall be screened and offset."

PARAGRAPH 25. Section 181.188 is changed for clarification and, as to paragraphs (a) and (b) to provide more explicit details concerning indoor and outdoor storage facilities.

PARAGRAPH 26. Section 181.189 is changed by striking from the second sentence the word "weatherproof," and inserting instead "weather-resistant,".

PARAGRAPH 27. Sections 181.190 and 181.191 are changed for clarification and to provide separate detailed requirements as to outdoor and indoor storage facilities.

PARAGRAPH 28. Section 181.192 is changed to refer to 50, rather than 100, feet, and for clarification.

PARAGRAPH 29. Paragraph (a) of § 181.194 is changed by striking therefrom the first sentence and inserting instead the sentence, "Explosive material within a storage facility shall not be placed directly against interior walls."

PARAGRAPH 30. Section 181.195 is changed by making the last two sentences read, "The area surrounding storage facilities shall be kept clear of rubbish, brush, dry grass, or trees for not less than 25 feet in all directions. Any other combustible materials shall be kept a distance of not less than 50 feet from outdoor storage facilities."

PARAGRAPH 31. Section 181.197 is changed by inserting the word "safety" immediately preceding the word "lights" and the word "lanterns", and to make an editorial change, so that the text will read, "No lighting shall be placed or used in a storage facility of type 1, 2, 3, or 4 except battery-activated safety lights or battery-activated safety lanterns."

PARAGRAPH 32. Sections 181.199 and 181.200 are added to provide a table of distances for storage of low explosives and a table of separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.

Because these regulations implement Title XI of Public Law 91-452, which title becomes effective on February 12, 1971 (except as to those provisions which were effective on enactment), it is found that it is unnecessary to issue these regulations subject to the effective date limitation of 5 U.S.C. 553(d). Accordingly, these regulations shall become effective on February 12, 1971.

[SEAL] RANDOLPH W. THROWER,  
Commissioner of Internal Revenue.

Approved: January 11, 1971.

EUGENE T. ROSSIDES,  
Assistant Secretary for  
Enforcement and Operations.

In order to implement the provisions of Title XI, Regulation of Explosives (title 18, United States Code, chapter 40 (84 Stat. 952)) of the Organized Crime Control Act of 1970 (84 Stat. 922), the following regulations are hereby prescribed as Part 181 of Title 26 of the Code of Federal Regulations:

**Preamble.** 1. These regulations shall not affect any act done or any liability or right accruing, or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

2. These regulations shall be effective on and after February 12, 1971.

#### Subpart A—Introduction

- Sec.  
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181.2 Relation to other provisions of law.

#### Subpart B—Definitions

- 181.11 Meaning of terms.

#### Subpart C—Administrative and Miscellaneous Provisions

- 181.21 Forms prescribed.  
181.22 Emergency variations from requirements.  
181.23 Explosives list.  
181.24 Right of entry and examination.  
181.25 Disclosure of information.  
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- Sec.  
181.27 Out-of-State disposition of explosive materials.  
181.28 Stolen explosive materials.  
181.29 Unlawful storage.  
181.30 Reporting theft or loss of explosive materials.  
181.31 Inspection of site of accidents or fires; right of entry.

#### Subpart D—Licenses and Permits

- 181.41 General.  
181.42 License fees.  
181.43 Permit fees.  
181.44 License or permit fee not refundable.  
181.45 Original license or permit.  
181.46 Renewal of license or permit.  
181.47 Procedure by Service Center Director.  
181.48 Abandoned application.  
181.49 Issuance of license or permit.  
181.50 Correction of error on license or permit.  
181.51 Duration of license or permit.  
181.52 Limitations on license or permit.  
181.53 License and permit not transferable.  
181.54 Change of location; change in construction.  
181.55 Change in class of explosive materials.  
181.56 Change in trade name.  
181.57 Change of control.  
181.58 Continuing partnerships.  
181.59 Right of succession by certain persons.  
181.60 Certain continuances of business or operations.  
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181.75 Hearing after denial of renewal application or revocation of license or permit.  
181.76 Action by Assistant Regional Commissioner.  
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181.80 Court review.  
181.83 Operations by licensees or permittees after notice of denial or revocation.

#### Subpart F—Conduct of Business or Operations

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181.102 Authorized operations by permittees and certain licensees.  
181.103 Sales or distributions between licensees or between licensees and permittees.  
181.104 Certified copy of license or permit.  
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181.106 Certain prohibited distributions.  
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181.122 Records maintained by importers.  
181.123 Records maintained by licensed manufacturers.  
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181.182 Classes of explosive materials.  
181.183 Types of storage facilities.  
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181.185 Movement of explosive materials.  
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181.192 Smoking and open flames.  
181.193 Quantity and storage restrictions.  
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181.195 Housekeeping.  
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181.199 Table of distances for storage of low explosives.  
181.200 Table of recommended separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.

**AUTHORITY:** The provisions of this Part 181 issued under 84 Stat. 952-960, 18 U.S.C. 841-848, unless otherwise noted.

#### Subpart A—Introduction

##### § 181.1 Scope of regulations.

(a) *In general.* The regulations contained in this part relate to commerce in explosives and are promulgated to implement title XI, Regulation of Explosives (18 U.S.C. chapter 40; 84 Stat. 952), of the Organized Crime Control Act of 1970 (84 Stat. 922).

(b) *Procedural and substantive requirements.* This part contains the procedural and substantive requirements relative to:

- (1) The interstate or foreign commerce in explosive materials;
- (2) The licensing of manufacturers and importers of, and dealers in, explosive materials;
- (3) The issuance of user permits;
- (4) The conduct of business by licensees and operations by permittees;
- (5) The storage of explosive materials;
- (6) The records and reports required of licensees and permittees;
- (7) Relief from disabilities under this part; and
- (8) Exemptions, unlawful acts, penalties, seizures, and forfeitures.

(c) *Persons engaged in business or operations on October 15, 1970.* This part

fully applies to persons engaged on October 15, 1970, in business or operations requiring a license or permit under this part who have filed an application for such license or permit prior to February 12, 1971, and who are continuing such business or operations pending final action on such application pursuant to section 1105(c) of the Organized Crime Control Act of 1970 (84 Stat. 960).

#### § 181.2 Relation to other provisions of law.

The provisions in this part are in addition to, and are not in lieu of, any other provision of law, or regulations, respecting commerce in explosive materials. For regulations applicable to commerce in firearms and ammunition, see Part 178 of this chapter. For regulations applicable to traffic in machine guns, destructive devices, and certain other firearms, see Part 179 of this chapter. For statutes applicable to the registration and licensing of persons engaged in the business of manufacturing, importing or exporting arms, ammunition, or implements of war, see section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), and regulations in Part 180 of this chapter and in Parts 121-128 of Title 22, Code of Federal Regulations. For statutes applicable to nonmailable materials, see 18 U.S.C. 1716 and regulations thereunder. For statutes applicable to water quality standards, see 33 U.S.C. 1171(b).

#### Subpart B—Definitions

##### § 181.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The term "includes" and "including" do not exclude other things not enumerated which are in the same general class or are otherwise within the scope thereof.

**Act.** Chapter 40 of title 18 of the United States Code.

**Ammunition.** Small arms ammunition or cartridge cases, primers, bullets, or smokeless propellants designed for use in small arms, and shall include percussion caps and  $\frac{3}{32}$ -inch pyrotechnic safety fuses. The term shall not include black powder.

**Approved storage facility.** A facility for the storage of explosive materials conforming to the requirements of this part and covered by a license or permit issued under this part.

**Army-type structure.** A structure approved by the Department of Defense for the storage of explosive materials.

**Assistant Regional Commissioner.** An Assistant Regional Commissioner, Alcohol, Tobacco, and Firearms, who is responsible to, and functions under the direction and supervision of, a Regional Commissioner of Internal Revenue.

**Blasting agent.** Any material or mixture, consisting of fuel and oxidizer, intended for blasting, not otherwise de-

fined as an explosive: *Provided*, That the finished product, as mixed for use or shipment, cannot be detonated by means of a numbered 8 test blasting cap when unconfined. A numbered 8 test blasting cap is one containing 2 grams of a mixture of 80 percent mercury fulminate and 20 percent potassium chlorate, or a blasting cap of equivalent strength.

**Business premises.** When used with respect to a manufacturer, importer or dealer the property on which explosive materials are or will be manufactured, imported, stored or distributed. Such premises shall include the property where the records of a manufacturer, importer or dealer are or will be maintained if different than the premises where explosive materials are or will be manufactured, imported, stored or distributed. When used with respect to a user of explosive materials, the property on which the explosive materials are or will be received or stored. Such premises shall include the property where the records of such user are or will be maintained if different than the premises where explosive materials are or will be received or stored.

**Commissioner.** The Commissioner of Internal Revenue.

**Crime punishable by imprisonment for a term exceeding 1 year.** Any offense for which the maximum penalty, whether or not imposed, is capital punishment or imprisonment in excess of 1 year. The term shall not include (a) any Federal or State offenses pertaining to antitrust violations, unfair trade practices or restraints of trade, or (b) any State offense (other than one involving a firearm or explosive) classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of 2 years or less.

**Customs officer.** Any officer of the Bureau of Customs or any agent or other person authorized by law or by the Secretary of the Treasury, or appointed in writing by a Regional Commissioner of Customs, or by another principal customs officer under delegated authority, to perform the duties of an officer of the Bureau of Customs.

**Dealer.** Any person engaged in the business of distributing explosive materials at wholesale or retail.

**Detonator.** Any device containing a detonating charge that is used for initiating detonation in an explosive; the term includes electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses and detonating-cord delay connectors.

**Director.** The Director, Alcohol, Tobacco, and Firearms Division, Internal Revenue Service, Treasury Department, Washington, D.C. 20224.

**Distribute.** To sell, issue, give, transfer, or otherwise dispose of. The term does not include a mere change of possession from a person to his agent or employee in connection with the agency or employment.

**District Director.** A District Director of Internal Revenue.

**Executed under penalties of perjury.** Signed with the prescribed declaration under the penalties of perjury as pro-

vided on or with respect to the return, form, or other document or, where no form of declaration is prescribed, with the declaration: "I declare under the penalties of perjury that this—(insert type of document, such as, statement, application, request, certificate), including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct, and complete."

**Explosive materials.** Explosives, blasting agents, and detonators. Such materials shall include all items in the Explosives List provided for in § 181.23.

**Explosives.** Any chemical compound mixture, or device, the primary or common purpose of which is to function by explosion; the term includes dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, and igniters.

**Fugitive from justice.** Any person who has fled from the jurisdiction of any court of record to avoid prosecution for any crime or to avoid giving testimony in any criminal proceeding. The term shall also include any person who has been convicted of any crime and has fled to avoid imprisonment.

**Importer.** Any person engaged in the business of importing or bringing explosive materials into the United States for purposes of sale or distribution.

**Indictment.** Includes an indictment or information in any court under which a crime punishable by imprisonment for a term exceeding 1 year may be prosecuted.

**Inhabited building.** Any building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble, except any building occupied in connection with the manufacture, transportation, storage, or use of explosive materials.

**Internal revenue district.** An internal revenue district under the jurisdiction of a District Director of Internal Revenue.

**Internal revenue region.** An internal revenue region under the jurisdiction of a Regional Commissioner of Internal Revenue.

**Interstate or foreign commerce.** Commerce between any place in a State and any place outside of that State, or within any possession of the United States (not including the Canal Zone) or the District of Columbia, and commerce between places within the same State but through any place outside of that State.

**Licensed dealer.** A dealer licensed under the provisions of this part.

**Licensed importer.** An importer licensed under the provisions of this part.

**Licensed manufacturer.** A manufacturer licensed under the provisions of this part to engage in the business of manufacturing explosive materials for purposes of sale or distribution or for his own use.

**Licensed manufacturer-limited.** A manufacturer licensed under the provisions of this part to engage in the business of manufacturing explosive materials for his own use and not for sale or distribution.

**Licensee.** Any importer, manufacturer, or dealer licensed under the provisions of this part.

**Manufacturer.** Any person engaged in the business of manufacturing explosive materials for purposes of sale or distribution or for his own use.

**Manufacturer-limited.** Any person engaged in the business of manufacturing explosive materials for his own use and not for sale or distribution.

**Permittee.** Any user of explosives for lawful purpose, who has obtained a user permit under the provisions of this part.

**Person.** Any individual, corporation, company, association, firm, partnership, society, or joint stock company.

**Regional Commissioner.** A Regional Commissioner of Internal Revenue.

**Service Center Director.** A director of an internal revenue service center.

**State.** A State of the United States. The term shall include the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone).

**State of residence.** The State in which an individual regularly resides or maintains his home. Temporary sojourn in a State does not make the State of temporary sojourn the State of residence.

**U.S.C.** The United States Code.

**User-limited permit.** A user permit valid only for a single purchase transaction, a new permit being required for a subsequent purchase transaction.

**User permit.** A permit issued to a person authorizing him (1) to acquire for his own use explosive materials from a licensee in a State other than the State in which he resides or from a foreign country, and (2) to transport explosive materials so acquired in interstate or foreign commerce.

### Subpart C—Administrative and Miscellaneous Provisions

#### § 181.21 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished, as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part.

#### § 181.22 Emergency variations from requirements.

(a) The Director may approve variations from the requirements of this part when he finds that an emergency exists and that the proposed variations from the specific requirements (1) are necessary, (2) will not hinder the effective administration of this part, and (3) will not be contrary to any provisions of law.

(b) Variations from requirements granted under this section are conditioned on compliance with the procedures, conditions, and limitations with respect thereto set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations, and the licensee or permittee thereupon shall fully comply with the prescribed requirements of regulations

from which the variations were authorized. Authority for any variation may be withdrawn whenever in the judgment of the Director the emergency no longer exists or the effective administration of this part is hindered by the continuation of such variation. A licensee or permittee who desires to employ such variation shall submit a written application so to do, in triplicate, to the Assistant Regional Commissioner for transmittal to the Director. The application shall describe the proposed variation and set forth the reasons therefor. A variation shall not be employed until the application has been approved. The licensee or permittee shall retain, as part of his records, available for examination by internal revenue officers, any application approved by the Director under the provisions of this section.

#### § 181.23 Explosives list.

The Director shall compile and publish in the **FEDERAL REGISTER** an Explosives List. This list shall be published and revised at least annually.

#### § 181.24 Right of entry and examination.

Any internal revenue officer may enter during business hours the premises, including places of storage, of any licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, or permittee for the purpose of inspecting or examining any records or documents required to be kept by such importer, manufacturer, dealer, or permittee under this part, and any explosive materials kept or stored by such importer, manufacturer, dealer, or permittee at such premises.

#### § 181.25 Disclosure of information.

Upon receipt of written request of any State or any political subdivision thereof, the Assistant Regional Commissioner may make available to such State or any political subdivision thereof, any information which the Assistant Regional Commissioner may obtain by reason of the provisions of the Act with respect to the identification of persons within such State or political subdivision thereof, who have purchased or received explosive materials, together with a description of such explosive materials.

#### § 181.26 Prohibited shipment, transportation, or receipt of explosive materials.

(a) No person, other than a licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, or permittee, shall transport, ship, cause to be transported, or receive in interstate or foreign commerce any explosive materials: *Provided*, That the provisions of this paragraph shall not apply to the transportation, shipment, or receipt of explosive materials by a nonlicensed person or nonpermittee who lawfully purchases explosive materials from a licensee in a State contiguous to the purchaser's State of residence if, (1) the purchaser's State of residence has enacted legislation, currently in force, specifically authorizing a resident of that State to purchase explosive materials in

a contiguous State, (2) the provisions of § 181.105(c) are fully complied with, and (3) the purchaser is not otherwise prohibited under paragraph (b) from shipping or transporting explosive materials in interstate or foreign commerce or receiving explosive materials which have been shipped or transported in interstate or foreign commerce.

(b) No person may ship or transport any explosive material in interstate or foreign commerce or receive any explosive materials which have been shipped or transported in interstate or foreign commerce who (1) is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year, (2) is a fugitive from justice, (3) is an unlawful user of or addicted to marihuana (as defined in section 4761 of the Internal Revenue Code of 1954; 26 U.S.C. 4761) or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. 321(v)), or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954; 26 U.S.C. 4731(a)), or (4) has been adjudicated as a mental defective or has been committed to a mental institution.

#### § 181.27 Out-of-State disposition of explosive materials.

No nonlicensee or nonpermittee shall distribute any explosive materials to any other nonlicensee or nonpermittee who the distributor knows or has reasonable cause to believe does not reside in the State in which the distributor resides.

#### § 181.28 Stolen explosive materials.

No person shall receive, conceal, transport, ship, store, barter, sell, or dispose of any stolen explosive materials knowing or having reasonable cause to believe that the explosive materials were stolen.

#### § 181.29 Unlawful storage.

No person shall store any explosive materials in a manner not in conformity with the provisions of Subpart J.

#### § 181.30 Reporting theft or loss of explosive materials.

Any licensee or permittee who has knowledge of the theft or loss of any explosive materials from his stock shall within 24 hours of discovery thereof report such theft or loss on Form 4712 to the Assistant Regional Commissioner in accordance with the instructions on such form, and to appropriate local authorities. Any other person who has knowledge of the theft or loss of any explosive materials from his stock shall within 24 hours of discovery thereof report such theft or loss in writing to the Assistant Regional Commissioner, and to appropriate local authorities.

#### § 181.31 Inspection of site of accidents or fires; right of entry.

Any internal revenue officer may inspect the site of any accident or fire in which there is reason to believe that explosive materials were involved. Any internal revenue officer may enter into or



upon any property where explosive materials have been used, are suspected of having been used, or have been found in an otherwise unauthorized location.

#### Subpart D—Licenses and Permits

##### § 181.41 General.

(a) Each person intending to engage in business as an importer or manufacturer of, or a dealer in, explosive materials shall, before commencing such business, obtain the license required by this subpart for the business to be operated. Each person who intends to acquire for use explosive materials from a licensee in a State other than the State in which he resides, or from a foreign country, or who intends to transport explosive materials in interstate or foreign commerce, shall obtain a permit under the provisions of this subpart: *Provided*, That it is not necessary to obtain such permit if the user intends to lawfully purchase explosive materials from a licensee in a State contiguous to the user's State of residence and the user's State of residence has enacted legislation, currently in force, specifically authorizing a resident of that State to purchase explosive materials in a contiguous State.

(b) Each person intending to engage in business as an explosive materials importer, manufacturer, or dealer shall file an application, with the required fee (see § 181.42), with the Service Center Director for the internal revenue district in which his business premises are to be located. A separate license must be obtained for each business premises at which the applicant is to manufacture, import, or distribute explosive materials: *Provided*, That a separate license shall not be required for storage facilities operated by the licensee as an integral part of one business premises or to cover a location used by the licensee solely for maintaining the records required by this part: *Provided further*, That a separate license shall not be required of a licensed manufacturer with respect to his on site manufacturing. A license shall, subject to the provisions of law, entitle the licensee to transport, ship, and receive explosive materials in interstate or foreign commerce, and to engage in the business specified by the license, at the location described on the license (and in the case of a licensed manufacturer, on site within the same internal revenue region), for the period stated on the license: *Provided*, That it shall not be necessary for a licensed importer or a licensed manufacturer (for purposes of sale or distribution) to also obtain a dealer's license in order to engage in business on his licensed premises as a dealer in explosive materials.

(c) Except as provided in paragraph (a) of this section, each person intending to acquire explosive materials from a licensee in a State other than a State in which he resides, or from a foreign country, or who intends to transport explosive materials in interstate or foreign commerce, shall file an application, with the required fee (see § 181.43), with the Service Center Director for the internal

revenue district in which is located his legal residence or principal place of business. A permit shall, subject to the provisions of the Act and other applicable provisions of law, entitle the permittee to acquire, transport, ship, and receive in interstate or foreign commerce explosive materials of the class authorized by his permit. Only one permit is required under the provisions of this part.

##### § 181.42 License fees.

(a) Each applicant shall pay a fee for obtaining a license, a separate fee being required for each business premises, as follows:

- (1) Manufacturer—\$50.
- (2) Manufacturer-limited (nonrenewable)—\$5.
- (3) Importer—\$50.
- (4) Dealer—\$20.

(b) Each applicant for a renewal of a license shall pay a fee equal to one-half of the fee prescribed under paragraph (a).

##### § 181.43 Permit fees.

(a) Each applicant shall pay a fee for obtaining a permit as follows:

- (1) User—\$20.
- (2) User-limited (nonrenewable)—\$2.

(b) Each applicant for a renewal of a user permit shall pay a fee of \$10.

##### § 181.44 License or permit fee not refundable.

No refund of any part of the amount paid as a license or permit fee shall be made where the operations of the licensee or permittee are, for any reason, discontinued during the period of an issued license or permit. However, the license or permit fee submitted with an application for a license or permit shall be refunded if that application is denied.

##### § 181.45 Original license or permit.

(a) Any person who intends to engage in business as an explosive materials importer, manufacturer, or dealer on or after February 12, 1971, or who has not timely submitted application for renewal of a previous license issued under this part, shall file with the Service Center Director for the internal revenue district in which the applicant is to do business an application, Form 4705, in duplicate. The application must be executed under the penalties of perjury and the penalties imposed by 18 U.S.C. 844(a). The application shall be accompanied by the appropriate fee in the form of (1) cash, or (2) money order or check made payable to the Internal Revenue Service. Forms 4705 may be obtained from any Assistant Regional Commissioner or from any District Director.

(b) Any person, except as provided in § 181.41(a), who intends to acquire on or after February 12, 1971, explosive materials from a licensee in a State other than the State in which he resides, or from a foreign country or who intends to transport explosive materials in interstate or foreign commerce, or who has not timely submitted application for

renewal of a previous permit issued under this part, shall file with the Service Center Director for the internal revenue district in which is located his legal residence or principal place of business an application, Form 4707, in duplicate. The application must be executed under the penalties of perjury and the penalties imposed by 18 U.S.C. 844(a). The application shall be accompanied by the appropriate fee in the form of (1) cash, or (2) money order or check made payable to the Internal Revenue Service. Forms 4707 may be obtained from any Assistant Regional Commissioner or from any District Director.

(c) Any person engaging in a business or operation requiring a license or permit under the provisions of this part who was engaged in such business or operation on October 15, 1970, and who has filed an application for a license or permit prior to February 12, 1971, may continue such business or operation pending final action on the application (see § 181.1(c)).

##### § 181.46 Renewal of license or permit.

If a licensee or permittee intends to continue the business or operation described on a license or permit issued under this part after the expiration date of the license or permit, he shall, unless otherwise notified in writing by the Assistant Regional Commissioner, execute and file prior to the expiration of his license or permit an application for license renewal, Form 4706 (Part III), or an application for permit renewal, Form 4708 (Part III), accompanied by the required fee, with the Service Center Director for the internal revenue district in which the business premises are located, or in the case of a permittee, in which is located his legal residence or principal place of business: *Provided*, That a license issued to a manufacturer-limited is not renewable and is only valid for 30 days from date of issuance, and a user-limited permit is not renewable and is only valid for a single purchase transaction. All applications for manufacturer-limited licenses or user-limited permits must be filed on Form 4705 or Form 4707 in the manner required by § 181.45. In the event the licensee or permittee does not timely file a renewal application, he must file an original application as required by § 181.45, and obtain the required license or permit in order to continue business or operations. If a licensee or permittee does not timely receive renewal application forms through the mails, he should so notify his Assistant Regional Commissioner.

##### § 181.47 Procedure by Service Center Director.

Upon receipt of an application for an original license or an original permit or an application for renewal of a license or renewal of a permit, the Service Center Director shall deposit the fee accompanying the license or permit application and forward the application to the Assistant Regional Commissioner. Where an application is filed with an insufficient fee, the application and any fee submitted shall be returned.



**§ 181.48 Abandoned application.**

Upon receipt of an incomplete or improperly executed application, the applicant shall be notified of the deficiency in the application. If the application is not corrected and returned within 30 days following the date of notification, the application shall be considered as having been abandoned and the license or permit fee returned.

**§ 181.49 Issuance of license or permit.**

(a) Upon receipt of a properly executed application for a license or permit, the Assistant Regional Commissioner shall, upon finding through further inquiry or investigation, or otherwise, that the applicant is entitled thereto, issue the appropriate license or permit and a copy thereof: *Provided*, That in the case of a user-limited permit, the original only shall be issued. Each license or permit shall bear a serial number and such number may be assigned to the licensee or permittee to whom issued for as long as he maintains continuity of renewal in the same internal revenue region.

(b) The Assistant Regional Commissioner shall approve a properly executed application for license or permit, if:

(1) The applicant is 21 years of age or over;

(2) The applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not a person to whom distribution of explosive materials is prohibited under the provisions of the Act;

(3) The applicant has not willfully violated any of the provisions of the Act or this part;

(4) The applicant has not knowingly withheld information or has not made any false or fictitious statement intended or likely to deceive, in connection with his application;

(5) The applicant has in a State business premises from which he conducts business or operations subject to license or permit under the Act or from which he intends to conduct such business or operations;

(6) The applicant has storage facilities for the class of explosive materials described on the application which facilities meet the standards prescribed by Subpart J of this part, unless he establishes to the satisfaction of the Assistant Regional Commissioner that the business or operations to be conducted will not require the storage of explosive materials;

(7) The applicant has certified in writing that he is familiar with and understands all published State laws and local ordinances relating to explosive materials for the location in which he intends to do business; and

(8) The applicant for a license has submitted the certificate required by section 21 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1171 (b)).

(c) The Assistant Regional Commissioner shall approve or deny an application for license or permit within the 45-

day period beginning on the date a properly executed application was received by the Service Center Director: *Provided*, That when an applicant for license or permit renewal is a person who is, pursuant to the provisions of § 181.83 or § 181.142, conducting business or operations under a previously issued license or permit, action regarding the application will be held in abeyance pending the completion of the proceedings against the applicant's existing license or permit, or renewal application, or final action by the Commissioner on an application for relief submitted pursuant to § 181.142, as the case may be.

**§ 181.50 Correction of error on license or permit.**

(a) Upon receipt of a license or permit issued under the provisions of this part, each licensee or permittee shall examine same to insure that the information contained thereon is accurate. If the license or permit is incorrect, the licensee or permittee shall return the license or permit to the Assistant Regional Commissioner with a statement showing the nature of the error. The Assistant Regional Commissioner shall correct the error, if the error was made in his office, and return the license or permit. However, if the error resulted from information contained in the licensee's or permittee's application for the license or permit, the Assistant Regional Commissioner shall require the licensee or permittee to file an amended application setting forth the correct information and a statement explaining the error contained in the application. Upon receipt of the amended application and a satisfactory explanation of the error, the Assistant Regional Commissioner shall make the correction on the license or permit and return the same to the licensee or permittee.

(b) When the Assistant Regional Commissioner finds through any means other than notice from the licensee or permittee that an incorrect license or permit has been issued, (1) the Assistant Regional Commissioner may require the holder of the incorrect license or permit to return the license or permit for correction, and (2) if the error resulted from information contained in the licensee's or permittee's application for the license or permit, the Assistant Regional Commissioner shall require the licensee or permittee to file an amended application setting forth the correct information, and a statement satisfactorily explaining the error contained in the application. The Assistant Regional Commissioner then shall make the correction on the license or permit and return same to the licensee or permittee.

**§ 181.51 Duration of license or permit.**

Licenses and permits shall be issued for a period of 1 year: *Provided*, That a manufacturer-limited license shall be issued for a period of 30 days and a user-limited permit shall be valid only for a single purchase transaction.

**§ 181.52 Limitations on license or permit.**

(a) The license covers the business and class of explosive materials specified

in the license at the licensee's business premises (see § 181.41(b)).

(b) The permit is valid with respect to the type of operations and class of explosive materials specified in the permit.

**§ 181.53 License and permit not transferable.**

Licenses and permits issued under this part are not transferable to another person. In the event of the lease, sale, or other transfer of the business or operations covered by the license or permit, the successor must obtain the license or permit required by this part prior to commencing such business or operations. However, for rules on right of succession, see § 181.59.

**§ 181.54 Change of location; change in construction.**

(a) *Other than storage facilities.* Except as provided in paragraph (b), a licensee or permittee may during the term of his license or permit remove his business or operations to a new location at which he intends regularly to carry on such business or operations, without procuring a new license or permit. However, in every case, whether or not the removal is from one internal revenue region to another, notification of the new location of the business or operations must be given not less than 10 days prior to such removal to the Assistant Regional Commissioner for the internal revenue region from which or within which the removal is to be made, and the Assistant Regional Commissioner for the internal revenue region to which the removal is to be made. In each instance, the license or permit and any copies thereof furnished with the license or permit must be submitted for endorsement to the Assistant Regional Commissioner having jurisdiction over the internal revenue region to which or within which removal is to be made. After endorsement of the license or permit and the copies thereof to show the new location, and the new license or permit number, if any, the Assistant Regional Commissioner will return same to the licensee or permittee.

(b) *Storage facilities.* A licensee or permittee who intends to change the location of his approved storage facility described in his application (other than a change of location of a portable approved storage facility) during the term of his license or permit shall make written application, in duplicate, to the Assistant Regional Commissioner who issued the license or permit, describing the location, the type of construction, and the class of explosive materials as prescribed in Subpart J. Such application may include a request for approval of specific successive changes in location of an approved storage facility. Storage of explosive materials may not be commenced at the new location prior to receipt of the copy of such application stamped "Approved".

(c) *Additions to or changes in storage facilities.* A licensee or permittee who intends to make additions to or changes in construction of approved storage facilities described in his application, shall

file an application on Form 4705 or on Form 4707 with the Assistant Regional Commissioner for an amended license or permit, describing the proposed additions or changes. Additions to or changes in construction of approved storage facilities may not be made prior to issuance of the amended license or permit. Upon receipt of the amended license or amended permit, the licensee or permittee shall submit his superseded license or superseded permit and any copies thereof to the Assistant Regional Commissioner.

**§ 181.55 Change in class of explosive materials.**

A licensee or permittee who intends to change the class of explosive materials described in his license or permit from a lower to a higher classification (see Subpart J) shall file an application on Form 4705 or on Form 4707 with the Assistant Regional Commissioner for an amended license or permit. If the change in class of explosive materials would require a change in storage facilities, the amended application shall include a description of the type of construction as prescribed in Subpart J. Business or operations with respect to the new class of explosive materials may not be commenced prior to issuance of the amended license or amended permit. Upon receipt of the amended license or amended permit, the licensee or permittee shall submit his superseded license or superseded permit and any copies thereof to the Assistant Regional Commissioner.

**§ 181.56 Change in trade name.**

A licensee or permittee continuing to conduct business or operations at the location shown on his license or permit is not required to obtain a new license or permit by reason of a mere change in trade name under which he conducts his business or operations: *Provided*, That such licensee or permittee furnishes his license or permit and any copies thereof for endorsement of such change to the Assistant Regional Commissioner for the internal revenue region in which the licensee or permittee conducts his business or operations, within 30 days from the date the licensee or permittee begins his business or operations under the new trade name.

**§ 181.57 Change of control.**

In the case of a corporation or association holding a license or permit under this part, if actual or legal control of the corporation or association changes, directly or indirectly, whether by reason of change in stock ownership or control (in the corporation holding a license or permit or in any other corporation), by operation of law, or in any other manner, the licensee or permittee shall, within 30 days of such change, give written notification thereof executed under the penalties of perjury, to the Assistant Regional Commissioner. Upon expiration of the license or permit, the corporation or association must file a Form 4705 or a Form 4707 as required by § 181.45 and pay the fee prescribed in § 181.42(b) or § 181.43 (b).

**§ 181.58 Continuing partnerships.**

Where, under the laws of the particular State, the partnership is not terminated on death or insolvency of a partner, but continues until the winding up of the partnership affairs is completed, and the surviving partner has the exclusive right to the control and possession of the partnership assets for the purpose of liquidation and settlement, such surviving partner may continue to conduct the business or operations under the license or permit of the partnership. If such surviving partner acquires the business or operations on completion of settlement of the partnership, he shall obtain a license or permit in his own name from the date of acquisition, as provided in § 181.45. The rule set forth in this section shall also apply where there is more than one surviving partner.

**§ 181.59 Right of succession by certain persons.**

(a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same business premises for the remainder of the term of license or permit. Such persons are:

(1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and

(2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors.

(b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license or permit and copies thereof for that business or operations for endorsement of such succession to the Assistant Regional Commissioner for the internal revenue region in which the business or operations is conducted within 30 days from the date on which the successor begins to carry on the business or operations.

**§ 181.60 Certain continuances of business or operations.**

A licensee or permittee who furnishes his license or permit to the Assistant Regional Commissioner for correction, amendment or endorsement in compliance with the provisions contained in this subpart may continue his business or operations while awaiting its return.

**§ 181.61 Discontinuance of business or operations.**

Where an explosive materials business or operations is either discontinued or succeeded by a new owner, the owner of the business or operations discontinued or succeeded shall within 30 days thereof furnish to the Assistant Regional Commissioner for the internal revenue region in which his business or operations was located notification of the discontinuance or succession and his license or permit and any copies thereof. (See also § 181.128.)

**§ 181.62 State or other law.**

A license or permit issued under this part confers no right or privilege to con-

duct business or operations, including storage, contrary to State or other law. The holder of such a license or permit is not by reason of the rights and privileges granted by that license or permit immune from punishment for conducting an explosive materials business or operations in violation of the provisions of any State or other law. Similarly, compliance with the provisions of any State or other law affords no immunity under Federal law or regulations.

**Subpart E—License and Permit Proceedings**

**§ 181.71 Opportunity for compliance.**

Except in cases of wilfulness or those in which the public interest requires otherwise, and the Assistant Regional Commissioner so alleges in the notice of denial of an application or revocation of a license or permit, no license or permit shall be revoked or renewal application denied without first calling to the attention of the licensee or permittee the reasons for the contemplated action and affording him an opportunity to demonstrate or achieve compliance with all lawful requirements and to submit facts, arguments, or proposals of adjustment. The notice of contemplated action, Form 4715, shall afford the licensee or permittee 15 days from the date of receipt of the notice to respond. If no response is received within the 15 days, or after consideration of relevant matters presented by the licensee or permittee, the Assistant Regional Commissioner finds that the licensee or permittee is not likely to abide by the law and regulations, he will proceed as provided in § 181.74.

**§ 181.72 Denial of initial application.**

Whenever the Assistant Regional Commissioner has reason to believe that an applicant for an original license or permit is not eligible to receive a license or permit under the provisions of § 181.49, he shall issue a notice of denial on Form 4716. The notice shall set forth the matters of fact and law relied upon in determining that the application should be denied, and shall afford the applicant 15 days from the date of receipt of the notice in which to request a hearing to review the denial. If no request for a hearing is filed within that time, a copy of the application, marked "Disapproved", will be returned to the applicant.

**§ 181.73 Hearing after initial application is denied.**

If the applicant for an original license or permit desires a hearing, he shall file a request therefor, in duplicate, with the Assistant Regional Commissioner, within 15 days after receipt of the notice of denial. The request should include a statement of the reasons therefor. On receipt of the request, the Assistant Regional Commissioner shall refer the matter to a hearing examiner and the examiner shall set a time and place (see § 181.77) for a hearing and shall serve notice thereof upon the applicant and the Assistant Regional Commissioner at

least 10 days in advance of the hearing date. The hearing shall be conducted in accordance with the hearing procedures prescribed in Part 200 of this chapter (see § 181.82). Within a reasonable time after the conclusion of the hearing, and as expeditiously as possible, the examiner shall render his recommended decision. He shall certify to the complete record of the proceedings before him and shall immediately forward the complete certified record, together with four copies of his recommended decision, to the Assistant Regional Commissioner for decision.

**§ 181.74 Denial of renewal application or revocation of license or permit.**

If, following or without opportunity for compliance under § 181.71, as circumstances warrant, the Assistant Regional Commissioner finds that the licensee or permittee is not likely to comply with the law or regulations or is otherwise not eligible to continue operations authorized under his license or permit, the Assistant Regional Commissioner will issue a notice of denial of the renewal application or revocation of the license or permit, Form 4716 or 4717, as appropriate. In either case, the notice shall set forth the matters of fact constituting the violations specified, dates, places, and the sections of law and regulations violated. The notice shall, in the case of revocation of a license or permit, specify the date on which such action is effective, which date shall be on or after the date the notice is served on the licensee or permittee. The notice shall also advise the licensee or permittee that he may, within 15 days after receipt of the notice, request a hearing and, if applicable, a stay of the effective date of the revocation of his license or permit.

**§ 181.75 Hearing after denial of renewal application or revocation of license or permit.**

If a licensee or permittee whose renewal application has been denied or whose license or permit has been revoked desires a hearing, he shall file a request therefor, in duplicate, with the Assistant Regional Commissioner. In the case of the revocation of a license or permit, he may include a request for a stay of the effective date of the revocation. On receipt of the request the Assistant Regional Commissioner shall advise the licensee or permittee whether the stay of the effective date of the revocation is granted. If the stay of the effective date of the revocation is granted, the Assistant Regional Commissioner shall refer the matter to a hearing examiner. The hearing examiner shall set a time and place (see § 181.77) for a hearing and shall serve notice thereof upon the licensee or permittee and the Assistant Regional Commissioner at least 10 days in advance of the hearing date. If the stay of the effective date of the revocation is denied, the licensee or permittee may request an immediate hearing. In such event, the Assistant Regional Commissioner shall immediately refer the matter to a hearing examiner who shall set a date and place for a hearing, which date shall be

no later than 10 days from the date the licensee or permittee requested an immediate hearing. The hearing shall be held in accordance with the applicable provisions of Part 200 of this chapter. Within a reasonable time after the conclusion of the hearing, and as expeditiously as possible, the hearing examiner shall render his decision. He shall certify to the complete record of the proceeding before him and shall immediately forward the complete certified record, together with two copies of his decision, to the Assistant Regional Commissioner, serve one copy of his decision on the licensee or permittee or his counsel, and transmit a copy to the attorney for the Government.

**§ 181.76 Action by Assistant Regional Commissioner.**

(a) *Initial application proceedings.* If, upon receipt of the record and the recommended decision of the examiner, the Assistant Regional Commissioner decides that the license or permit should be issued, he shall approve the application, briefly stating, for the record, his reasons therefor. If he contemplates that the denial should stand, he shall serve a copy of the examiner's recommended decision on the applicant, informing the applicant of his contemplated action and affording the applicant not more than 10 days in which to submit proposed findings and conclusions or exceptions to the recommended decision with reasons in support thereof. If the Assistant Regional Commissioner, after consideration of the record of the hearing and of any proposed findings, conclusions, or exceptions filed with him by the applicant, approves the findings, conclusions and recommended decision of the examiner, he shall issue the license or permit or disapprove the application in accordance therewith. If he disapproves of the findings, conclusions, and recommendation of the examiner, in whole or in part, he shall by order make such findings and conclusions as in his opinion are warranted by the law and the facts in the record. Any decision of the Assistant Regional Commissioner ordering the disapproval of an initial application for a license or permit shall state the findings and conclusions upon which it is based, including his ruling upon each proposed finding, conclusion, and exception to the examiner's recommended decision, together with a statement of his findings and conclusions, and reasons or basis therefor, upon all material issues of fact, law or discretion presented on the record. A signed duplicate original of the decision shall be served upon the applicant and the original copy containing certificate of service shall be placed in the official record of the proceedings. If the decision of the Assistant Regional Commissioner is in favor of the applicant, he will issue the license or permit, to be effective on issuance.

(b) *Renewal application and revocation proceedings.* Upon receipt of the complete certified records of the hearing, the Assistant Regional Commissioner shall enter an order confirming the revo-

cation of the license or permit, or disapproving the application, in accordance with the examiner's findings and decision, unless he disagrees with the findings and decision. A signed duplicate original of the order, Form 4718, shall be served upon the licensee or permittee and the original copy containing certificate of service shall be placed in the official record of the proceedings. If the Assistant Regional Commissioner disagrees with the findings and decision of the examiner, he shall file a petition with the Director for review thereof as provided in § 181.79. In either case, if the renewal application denial is sustained a copy of the application marked "Disapproved" will be returned to the applicant. If the renewal application denial is reversed a license or permit will be issued to become effective on expiration of the license or permit being renewed, or on the date of issuance, whichever is later. If the proceedings involve the revocation of a license or permit which expired before a decision is in favor of the licensee or permittee, the Assistant Regional Commissioner shall:

(1) If renewal application was timely filed and a stay of the effective date of the revocation was granted, issue a license or permit effective on the date of issuance;

(2) If renewal application was not timely filed but a stay of the effective date of the revocation had been granted, request that a renewal application be filed and, pursuant thereto, issue a license or permit to be effective on issuance; or

(3) If a stay of the effective date of the revocation had not been granted, request that an application be filed as provided in § 181.45, and process it in the same manner as for an application for an original license or permit.

(c) *Curtailment of stay of revocation effective date.* If, after approval of a request for a stay of the effective date of an order revoking a license or permit but before actions are completed under this subpart, the Assistant Regional Commissioner finds that it is contrary to the public interest for the licensee or permittee to continue the operations or activities covered by his license or permit, the Assistant Regional Commissioner may issue a notice of withdrawal of such approval, effective on the date of issuance. Such notice shall be served upon the licensee or permittee in the manner provided in § 181.81.

**§ 181.77 Designated place of hearing.**

The designated place of hearing set as provided in § 181.73 or § 181.75 shall be at the location convenient to the aggrieved party.

**§ 181.78 Representation at a hearing.**

An applicant, licensee, or permittee may be represented by an attorney or other person recognized to practice before the Internal Revenue Service as provided in 31 CFR Part 10 (Treasury Department Circular No. 230) if he has otherwise complied with the applicable requirements of §§ 601.521-601.527 of this

chapter. The Assistant Regional Commissioner may be represented in proceedings under §§ 181.73 and 181.75 by an attorney in the office of the regional counsel who is authorized to execute and file motions, briefs, and other papers in the proceedings, on behalf of the Assistant Regional Commissioner, in his own name as "Attorney for the Government."

**§ 181.79 Appeal on petition to the Director.**

An appeal to the Director is not required prior to filing an appeal with the U.S. Court of Appeals for judicial review. An appeal may be taken by the applicant, licensee, or permittee to the Director from a decision resulting from a hearing under § 181.73 or § 181.75. An appeal may also be taken by an Assistant Regional Commissioner from a decision resulting from a hearing under § 181.75 as provided in § 181.76(b). Such appeal shall be taken by filing a petition for review on appeal with the Director within 15 days of the service of an examiner's decision or an order. The petition shall set forth facts tending to show (a) action of an arbitrary nature, (b) action without reasonable warrant in fact, or (c) action contrary to law and regulations. A copy of the petition shall be filed with the Assistant Regional Commissioner or served on the applicant, licensee, or permittee, as the case may be. In the event of such appeal, the Assistant Regional Commissioner shall immediately forward the complete original record, by certified mail, to the Director for his consideration, review, and disposition in the manner provided in Subpart I of Part 200 of this chapter. When, on appeal, the Director affirms the initial decision of the Assistant Regional Commissioner or the examiner, as the case may be, such initial decision shall be final.

**§ 181.80 Court review.**

An applicant, licensee, or permittee may, within 60 days after receipt of the decision of the examiner or the final order of the Assistant Regional Commissioner or the Director, file a petition for a judicial review thereof, with the U.S. Court of Appeals for the district in which he resides or has his principal place of business. The Director, upon notification that such petition has been filed, shall have prepared, in triplicate, a complete transcript of the record of the proceedings. The Assistant Regional Commissioner or the Director, as the case may be, will certify to the correctness of such transcript of the record, forward one copy to the attorney for the Government in the review of the case, and file the original record of the proceedings with the original certificate in the U.S. Court of Appeals.

**§ 181.81 Service on applicant, licensee, or permittee.**

All notices and other formal documents required to be served on an applicant, licensee, or permittee under this subpart shall be served by certified mail or by personal delivery. Where service is by personal delivery, the signed duplicate original copy of the formal document

shall be delivered to the applicant, licensee, or permittee, or, in the case of a corporation, partnership, or association, by delivering it to an officer, manager, or general agent thereof, or to its attorney of record.

**§ 181.82 Provisions of Part 200 made applicable.**

The provisions of Subpart G of Part 200 of this chapter, as well as those provisions of Part 200 relative to failure to appear, withdrawal of an application or surrender of a permit, the conduct of hearings before a hearing examiner, and record of testimony are hereby made applicable to application, license, and permit proceedings under this subpart to the extent that they are not contrary to or incompatible with the provisions of this subpart.

**§ 181.83 Operations by licensees or permittees after notice of denial or revocation.**

In any case where a notice of revocation has been issued and a request for a stay of the effective date of the revocation has not been granted, the licensee or permittee may not engage in the activities covered by the license or permit pending the outcome of proceedings under this subpart. In any case where notice of revocation has been issued but a stay of the effective date of the revocation has been granted, the licensee or permittee may continue to engage in the activities covered by his license or permit unless or until formally notified to the contrary: *Provided*, That in the event the license or permit would have expired before proceedings under this subpart are completed, timely renewal application must have been filed to continue the license or permit beyond its expiration date. In any case where a notice of denial of a renewal application has been issued, the licensee or permittee may continue to engage in the activities covered by the existing license or permit after the date of expiration thereof until proceedings under this subpart are completed.

**Subpart F—Conduct of Business or Operations**

**§ 181.101 Posting of license or permit.**

Licenses or permits issued under this part or copies thereof shall be kept posted and kept available for inspection on the business premises at each place where explosive materials are manufactured, imported, or distributed and in each magazine of an approved storage facility.

**§ 181.102 Authorized operations by permittees and certain licensees.**

(a) *In general.* The license issued to a manufacturer-limited does not authorize such licensee to engage in another class of business required to be licensed under the Act or this part. Therefore if such licensee intends to manufacture explosive materials for purposes of sale or distribution or to deal in explosive materials, he shall so qualify. Similarly, a permit issued under this part does not authorize the permittee to engage in the business of manufacturing, importing, or dealing

in explosive materials. Accordingly if a permittee's operations bring him within the definition of a manufacturer, importer, or dealer under this part he shall qualify as such.

(b) *Distributions of surplus stocks.* Licensed manufacturers-limited and permittees are not authorized to engage in the business of sale or distribution of explosive materials. However, such licensees or permittees may dispose of surplus stocks of explosive materials to other licensees or permittees in accordance with the provisions of § 181.103, and to nonlicensees or to nonpermittees in accordance with the provisions of § 181.105 (d).

**§ 181.103 Sales or distributions between licensees or between licensees and permittees.**

(a) A licensed importer, licensed manufacturer, or licensed dealer selling or otherwise distributing explosive materials to another licensee or permittee, or a permittee or a licensed manufacturer-limited disposing of surplus stock to another permittee or licensee, shall verify the identity and the status as a licensee or permittee of the distributee prior to making the transaction. Such verification shall be established by the distributee furnishing to the distributor a certified copy (in the case of a user-limited, the original) of the distributee's license or permit and by such other means as the distributor deems necessary: *Provided*, That it shall not be required (1) for a distributee who has furnished a certified copy of his license or permit to a distributor to again furnish such certified copy to that distributor during the term of the distributee's current license or permit, and (2) for the licensees of multilicensed business organizations to furnish certified copies of their licenses to other licensed locations operated by such organization: *Provided further*, That a multilicensed business organization may furnish to a distributor in lieu of a certified copy of each license, a list certified to be true, correct and complete, containing the name, address, license number, and the date of license expiration of each licensed location operated by such organization, and the distributor may sell or otherwise dispose of explosive materials as provided by this section to any licensee appearing on such list without requiring a certified copy of a license therefrom. A distributor licensee who has the certified information required by this section may sell or distribute explosive materials to a licensee or permittee for not more than 45 days following the expiration date of the distributee's license or permit, unless the distributor knows or has reason to believe that the distributee's authority to continue business or operations under this part has been terminated.

(b) A licensed importer, licensed manufacturer, or licensed dealer selling or otherwise distributing explosive materials to another licensee or permittee, or a permittee or a licensed manufacturer-limited disposing of surplus stocks to another permittee or licensee, which is a business entity shall verify the identity

of the representative or agent of the business entity who is authorized to acquire explosive materials on behalf of such business entity. Each business entity acquiring explosive materials shall furnish the licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, or permittee with a current certified list of representatives or agents authorized to acquire explosive materials on behalf of such business entity showing the name, address, and date and place of birth of each such representative or agent. A licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, or permittee shall not distribute explosive materials to a business entity on the order of a person who does not appear on such list.

(c) A licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, or permittee acquiring explosive materials from another licensee or permittee shall furnish such licensee or permittee with a certified current statement of the intended use of the explosive materials by such licensee or permittee (such as resale, mining, quarrying, agriculture, construction, road building, oil well drilling, seismographic research, or other specified lawful activity) and specifying the name, address, date and place of birth, social security number of the distributee where the distributee is a natural person. In the case of a business entity such statement shall specify the intended use, taxpayer identification number, the identity and principal and local places of business of such business entity and the information required by paragraph (b) of this section. A licensee or permittee who has furnished such statement to a licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, or permittee shall not be required to again furnish such statement to that distributor if the information on the statement remains unchanged.

(d) Where possession of explosive materials is transferred at the distributor's premises, the distributor shall in all instances verify the identity of the person accepting possession on behalf of the distributee before relinquishing such possession. Prior to the delivery at the distributor's premises of explosive materials to an employee of a licensee or permittee, or to an employee of a carrier transporting explosive materials to a licensee or permittee, the distributor so delivering explosive materials shall obtain an executed Form 4721 from such employee before releasing the explosive materials. The Form 4721 shall contain all of the information as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part.

(e) The user-limited permit issued under the provisions of this part is valid only for a single purchase transaction and is not renewable (see § 181.51). Accordingly, each permittee holding a user-limited permit shall at the time he

acquires explosive materials from a licensed importer, licensed manufacturer, or licensed dealer present his permit to such licensee. The licensed importer, licensed manufacturer, or licensed dealer shall write across the face of such permit "Transaction completed", the date, sign his name and indicate his license number, and return the permit to the permittee.

**§ 181.104 Certified copy of license or permit.**

Except as provided in § 181.49(a), each person issued a license or permit under the provisions of this part shall be furnished together with his license or permit a copy thereof for his certification. If such a person desires an additional copy of his license or permit for certification and for use pursuant to § 181.103, he shall:

(a) Make a reproduction of the copy of his license or permit and execute the certification thereon, or

(b) Make a reproduction of his license or permit, enter upon such reproduction the statement: "I certify that this is a true copy of a (insert the word license or permit) issued to me to engage in the business or operations specified in Item 5" and sign his name adjacent thereto, or

(c) Submit a request, in writing, for certified copies of his license or permit to the Assistant Regional Commissioner for the Internal Revenue region in which the license or permit was issued. The request shall set forth the name, trade name (if any), and address of the licensee or permittee and the number of copies of the license or permit desired. There shall be imposed a fee of \$1 for each copy of a license or permit issued by the Assistant Regional Commissioner under the provisions of this paragraph. Fee payment shall accompany each such request for additional copies of a license or permit. Such fee shall be paid by (1) cash, or (2) money order or check made payable to the Internal Revenue Service.

**§ 181.105 Distributions to nonlicensees and nonpermittees.**

(a) The provisions of this section shall apply in any case where distribution of explosive materials to the distributee is not otherwise prohibited by the Act or this part.

(b) Except as provided in paragraph (c) of this section, a licensed importer, licensed manufacturer, or licensed dealer may distribute explosive materials to a nonlicensee or nonpermittee if the nonlicensee or nonpermittee is a resident of the same State in which the licensee's business premises are located, and the nonlicensee or nonpermittee furnishes to the licensee the explosives transaction record, Form 4710, required by § 181.126. Disposition of Form 4710 shall be made in accordance with the provisions of § 181.126(c).

(c) A licensed importer, licensed manufacturer, or licensed dealer may sell or distribute explosive materials to a resident of a State contiguous to the State in which the licensee's place of business is located if the purchaser's State of resi-

dence has enacted legislation, currently in force, specifically authorizing a resident of that State to purchase explosive materials in a contiguous State and the purchaser and the licensee have, prior to the distribution of the explosive materials, complied with all the requirements of paragraphs (b), (e), and (f) of this section applicable to intrastate transactions occurring on the licensee's business premises.

(d) A licensed manufacturer-limited or a permittee may dispose of surplus stocks of explosive materials to a nonlicensee or nonpermittee if the nonlicensee or nonpermittee is a resident of the same State in which such licensee's or permittee's business premises or operations are located, or is a resident of a State contiguous to the State in which the licensee's or permittee's place of business or operations are located, and if the requirements of paragraphs (b), (c), (e), and (f) of this section are fully met.

(e) A licensed importer, licensed manufacturer, or licensed dealer selling or otherwise distributing explosive materials to a business entity shall verify the identity of the representative or agent of the business entity who is authorized to acquire explosive materials on behalf of such business entity. Each business entity acquiring explosive materials shall furnish the licensed importer, licensed manufacturer, or licensed dealer with a current certified list of the names of representatives or agents authorized to acquire explosive materials on behalf of such business entity. A licensed importer, licensed manufacturer, or licensed dealer shall not distribute explosive materials to a business entity on the order of a person whose name does not appear on such list.

(f) Where the possession of explosive materials is transferred at the distributor's premises, the distributor shall in all instances verify the identity of the person accepting possession on behalf of the distributee before relinquishing such possession. Prior to the delivery at the distributor's premises of explosive materials to an employee of a nonlicensee or nonpermittee, or to an employee of a carrier transporting explosive materials to a nonlicensee or nonpermittee, the distributor so delivering explosive materials shall obtain an executed Form 4721 from such employee before releasing the explosive materials. The Form 4721 shall contain all of the information as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part.

**§ 181.106 Certain prohibited distributions.**

(a) A licensed importer, licensed manufacturer, licensed manufacturer-limited, or licensed dealer shall not distribute explosive materials to any person not licensed or holding a permit under this part, who the licensee knows or has reason to believe does not reside in the State in which the licensee's place of business is located: *Provided*, That the foregoing provisions of this paragraph shall not apply to the



distribution of explosive materials to a resident of a State contiguous to the State in which the licensee's place of business is located if the requirements of § 181.105(c) are fully met.

(b) A licensed importer, licensed manufacturer, licensed manufacturer-limited, or licensed dealer shall not distribute any explosive materials to any person (1) who the importer, manufacturer, or dealer knows is less than 21 years of age, or (2) in any State where the purchase, possession, or use by such person of such explosive materials would be in violation of any State law or any published ordinance applicable at the place of distribution, or (3) who the importer, manufacturer, or dealer has reason to believe intends to transport such explosive materials into a State where the purchase, possession, or use of explosive materials is prohibited or which does not permit its residents to transport or ship explosive materials into such State or to receive explosive materials in such State, or (4) who the importer, manufacturer, or dealer has reasonable cause to believe intends to use such explosive materials for other than a lawful purpose.

(c) A licensed importer, licensed manufacturer, licensed manufacturer-limited, or licensed dealer shall not distribute any explosive materials to any person knowing or having reason to believe that such person (1) is, except as provided under § 181.142 (d) and (e), under indictment for, or has been convicted in any any court of, a crime punishable by imprisonment for a term exceeding 1 year, (2) is a fugitive from justice, (3) is an unlawful user of marihuana (as defined in section 4761 of the Internal Revenue Code of 1954; 26 U.S.C. 4761) or any depressant or stimulant drug (as defined in section 201 (v) of the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. 321(v)), or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954; 26 U.S.C. 4731(a)), or (4) has been adjudicated as a mental defective or has been committed to a mental institution.

#### § 181.107 Record of transactions.

Every licensee and permittee shall maintain records of explosive materials in such form and manner as is prescribed by Subpart G of this part.

#### § 181.108 Importation.

Explosive materials imported or brought into the United States by a licensed importer or permittee may be released from Customs custody to the licensed importer or permittee upon proof of his status as a licensed importer or permittee. Such status shall be established by the licensed importer or permittee furnishing to the Customs officer a certified copy of his license or permit (see § 181.104). The provisions of this section are in addition to, and are not in lieu of, any applicable requirement under Part 180 of this chapter.

#### § 181.109 Identification of explosive materials.

Each licensed manufacturer of explosive materials on or after February 12, 1971, shall legibly identify by marking

all explosive materials he manufactures for sale or distribution. The marks required by this section shall identify the manufacturer and the location, date, and shift of manufacture. The licensed manufacturer shall place on each cartridge, bag, or other immediate container of explosive materials manufactured for sale or distribution the required mark which shall also be placed on the outside container, if any, used for their packaging: *Provided*, That with respect to explosive materials of small size not suitable for marking on the individual item (for example, blasting caps), it shall only be necessary to place such identification marks on the containers used for their packaging.

### Subpart G—Records and Reports

#### § 181.121 General.

(a) The records pertaining to explosive materials prescribed by this part shall be in permanent form, and shall be retained on the licensed or permit premises in the manner prescribed by this subpart for a period of not less than 5 years from the date the transaction occurs or until discontinuance of business or operations by the licensee or permittee. (See also § 181.128.)

(b) Internal revenue officers may enter the premises of any licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, or permittee for the purpose of examining or inspecting any record or document required by or obtained under this part (see § 181.24). Section 843(f) of the Act requires licensed importers, licensed manufacturers, licensed manufacturer-limited, licensed dealers, and permittees to make such records available for such examination or inspection at all reasonable times. Section 843(f) of the Act also requires licensed importers, licensed manufacturers, licensed manufacturer-limited, licensed dealers, and permittees to submit such reports and information with respect to such records and the contents thereof as the regulations contained in this part prescribe.

(c) Each licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, and permittee shall maintain such records of importation, production, shipment, receipt, sale, or other disposition, whether temporary or permanent, of explosive materials as the regulations contained in this part prescribe. Section 842(g) of the Act makes it unlawful for any licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, or permittee knowingly to make any false entry in any record required to be maintained pursuant to the Act and the regulations contained in this part.

#### § 181.122 Records maintained by importers.

(a) Each licensed importer of explosive materials shall take true and accurate inventories which shall include all explosive materials on hand required to be accounted for in the records kept under this part. The licensed importer shall take such an inventory as of February 12, 1971, or at the time of commencing busi-

ness subsequent thereto, which shall be the effective date of the license issued upon original qualification under this part; at the time of changing the location of his premises to another region; at the time of discontinuing business, and at such other times as the Assistant Regional Commissioner may in writing require. Each inventory shall be prepared in duplicate, the original of which shall be submitted to the Assistant Regional Commissioner, and the duplicate shall be retained by the licensed importer. (See also § 181.127.)

(b) Each licensed importer shall not later than the close of the next business day following the date of importation or other acquisition, record the quantity and class of explosive materials, as prescribed in the Explosives List, manufacturer, manufacturers' marks of identification (if any), and country of manufacture of explosive materials he imports or otherwise acquires, and the date such importation or other acquisition was made.

(c) A record of explosive materials distributed by a licensed importer to another licensee or permittee shall be maintained by the licensed importer on his licensed premises and shall show the quantity, class (as prescribed in the Explosives List), manufacturer, manufacturers' marks of identification (if any), country of manufacture, and license or permit number of the licensee or permittee to whom the explosive materials were distributed, and the date of the transaction. The information required by § 181.103 (b), (c) and (d) shall also be maintained as part of the records of the licensed importer. The information required by this paragraph shall be entered in the proper record book not later than the close of the next business day following the date of the transaction.

(d) Notwithstanding the provisions of paragraph (c) of this section, the Assistant Regional Commissioner may authorize alternate records to be maintained by a licensed importer to record his distribution of explosive materials when it is shown by the licensed importer that such alternate records will accurately and readily disclose the information required by paragraph (c) of this section. A licensed importer who proposes to use alternate records shall submit a letter application, in duplicate, to the Assistant Regional Commissioner and shall describe the proposed alternate records and the need therefor. Such alternate records shall not be employed by the licensed importer until approval in such regard is received from the Assistant Regional Commissioner.

(e) Each licensed importer shall maintain separate records of the sales or other distribution made of explosive materials to nonlicensees or nonpermittees. Such records shall be maintained in the form and manner as prescribed by § 181.126.

#### § 181.123 Records maintained by licensed manufacturers.

(a) Each licensed manufacturer shall take true and accurate inventories which shall include all explosive materials on hand required to be accounted for in the records kept under this part. The licensed

manufacturer shall take such an inventory as of February 12, 1971, or at the time of commencing business subsequent thereto, which shall be the effective date of the license issued upon original qualification under this part; at the time of changing location of his premises to another region; at the time of discontinuing business, and at such other times as the Assistant Regional Commissioner may in writing require. Each inventory shall be prepared in duplicate, the original of which shall be submitted to the Assistant Regional Commissioner, and the duplicate shall be retained by the licensed manufacturer. (See also § 181.127.)

(b) Each licensed manufacturer shall record the marks of identification (if any) the quantity and class of explosive materials, as prescribed in the Explosives List, he manufacturers or otherwise acquires, and the date of such manufacture or acquisition. The information required by this paragraph shall be recorded not later than the close of the next business day following the date of such manufacture or acquisition.

(c) (1) A record of explosive materials distributed by a licensed manufacturer to another licensee or permittee shall be maintained by the licensed manufacturer on his licensed premises and shall show the marks of identification (if any), the quantity, class (as prescribed in the Explosives List), and manufacturer or importer, as applicable, if acquired other than by his manufacture, and license or permit number of the licensee or permittee to whom the explosive materials were distributed, and the date of the transaction. The information required by § 181.103 (b), (c) and (d) shall also be maintained as part of the records of the licensed manufacturer. The information required by this paragraph shall be entered in the proper record book not later than the close of the next business day following the date of the transaction.

(2) Each licensed manufacturer who manufactures explosive materials for his own use shall record in a separate permanent record the quantity and class of explosive materials, as prescribed in the Explosives List, he daily uses and the date of such use. The information required by this subparagraph shall be recorded not later than the close of the next business day following the date of such use.

(d) Notwithstanding the provisions of paragraph (c) of this section, the Assistant Regional Commissioner may authorize alternate records to be maintained by a licensed manufacturer to record his distribution or use of explosive materials when it is shown by the licensed manufacturer that such alternate records will accurately and readily disclose the information required by paragraph (c) of this section. A licensed manufacturer who proposes to use alternate records shall submit a letter application, in duplicate, to the Assistant Regional Commissioner and shall describe the proposed alternate records and the need therefor. Such alternate records shall not be employed by the licensed manufacturer until approval in such regard is received from the Assistant Regional Commissioner.

(e) Each licensed manufacturer shall maintain separate records of the sales or other distributions made of explosive materials to nonlicensees or nonpermittees. Such records shall be maintained in the form and manner as prescribed by § 181.126.

**§ 181.124 Records maintained by dealers.**

(a) Each licensed dealer shall take true and accurate inventories which shall include all explosive materials on hand required to be accounted for in the records kept under this part. The licensed dealer shall take such an inventory as of February 12, 1971, or at the time of commencing business subsequent thereto, which shall be the effective date of the license issued upon original qualification under this part; at the time of changing location of his premises to another region; at the time of discontinuing business, and at such other times as the Assistant Regional Commissioner may in writing require. Each inventory shall be prepared in duplicate, the original of which shall be submitted to the Assistant Regional Commissioner, and the duplicate shall be retained by the licensed dealer. (See also § 181.127.)

(b) Each licensed dealer shall enter into a permanent record each purchase or other acquisition of explosive materials. The purchase or other acquisition of explosive materials by a licensed dealer shall, except as provided in paragraph (c) of this section, be recorded not later than the close of the next business day following the date of such purchase or acquisition. The record shall show the date of receipt, the name, address and license or permit number of the person from whom received, the name of the manufacturer and importer (if any), the manufacturers' marks of identification (if any), and the quantity and class of explosive materials as prescribed in the Explosives List.

(c) When a commercial record is maintained by a licensed dealer showing his purchase or acquisition of explosive materials, and such record contains all acquisition information required by the permanent record prescribed by paragraph (b) of this section, the licensed dealer acquiring such explosive materials may, for a period not exceeding 7 days following the date of such acquisition, delay making the required entry into such permanent record: *Provided*, That the commercial record is, until such time as the required entry into the permanent record is made, (1) maintained by the licensed dealer separate from other commercial documents maintained by such licensee, and (2) readily available for inspection on the licensed premises.

(d) A permanent record of explosive materials sold or otherwise distributed by a licensed dealer to another licensee or permittee shall be maintained by the licensed dealer on his licensed premises and shall show the quantity, class of explosive materials, as prescribed in the Explosives List, the name of the manufacturer and importer (if any), the

manufacturers' marks of identification (if any), the license or permit number of the licensee or permittee to whom the explosive materials were distributed, and the date of the transaction. The information required by § 181.103 (b), (c) and (d) shall also be maintained as part of the records of the licensed dealer. The information required by this paragraph shall be entered in the permanent record in the manner required in paragraphs (b) and (c) of this section with respect to acquisition of explosive materials.

(e) Notwithstanding the provisions of paragraphs (b) and (d) of this section, the Assistant Regional Commissioner may authorize alternate records to be maintained by a licensed dealer to record his acquisition or disposition of explosive materials, when it is shown by the licensed dealer that such alternate records will accurately and readily disclose the required information. A licensed dealer who proposes to use alternate records shall submit a letter application, in duplicate, to the Assistant Regional Commissioner and shall describe the proposed alternate records and the need therefor. Such alternate records shall not be employed by the licensed dealer until approval in such regard is received from the Assistant Regional Commissioner.

(f) Each licensed dealer shall maintain separate records of the sales or other distributions made of explosive materials to nonlicensees or nonpermittees. Such records shall be maintained in the form and manner as prescribed by § 181.126.

**§ 181.125 Records maintained by licensed manufacturers-limited and permittees.**

(a) Each licensed manufacturer-limited and each permittee shall take true and accurate inventories which shall include all explosive materials on hand required to be accounted for in the records kept under this part. Such inventory shall be made as of February 12, 1971, or at the time of commencing business or operations subsequent thereto, which shall be the effective date of the license or permit issued upon original qualification under this part; at the time of changing the location of his premises to another region; at the time of discontinuing business or operations, and at such other times as the Assistant Regional Commissioner may in writing require. Each inventory shall be prepared in duplicate, the original of which shall be submitted to the Assistant Regional Commissioner, and the duplicate shall be retained by the licensee or permittee. (See also § 181.127.)

(b) A licensed manufacturer-limited disposing of surplus stocks of explosive materials to other licensees or to permittees shall record in the permanent record not later than the close of the next business day following the date of the disposition, the information prescribed in § 181.123 (c) (1). Each licensed manufacturer-limited shall maintain separate records of dispositions of surplus stocks of explosive materials to nonlicensees or nonpermittees. Such records shall be maintained in the form and manner as prescribed by § 181.126.

(c) Each permittee shall record in a permanent record the manufacturers' marks of identification (if any), the quantity and class of explosive materials, as prescribed in the Explosives List, he daily acquires, the date of such acquisition, and the name, address and license number of the person from whom explosive materials were obtained. The information required by this paragraph shall be recorded not later than the close of the next business day following the date of such acquisition or use. A permittee disposing of surplus stocks of explosive materials to other permittees or to licensees shall record in the permanent record not later than the close of the next business day following the date of the disposition, the information prescribed in § 181.124(d). Each permittee shall maintain separate records of dispositions of surplus stocks of explosive materials to nonlicensees or nonpermittees. Such records shall be maintained in the form and manner as prescribed by § 181.126.

(d) Notwithstanding the provisions of paragraph (c) of this section, the Assistant Regional Commissioner may authorize alternate records to be maintained by a permittee to record his acquisition of explosive materials, when it is shown by the permittee that such alternate records will accurately and readily disclose the required information. A permittee who proposes to use alternate records shall submit a letter application, in duplicate, to the Assistant Regional Commissioner and shall describe the proposed alternate records and the need therefor. Such alternate records shall not be employed by the permittee until approval in such regard is received from the Assistant Regional Commissioner.

#### § 181.126 Explosives transaction record.

(a) A licensee or permittee shall not sell or otherwise distribute, temporarily or permanently, explosive materials to any person, other than another licensee or permittee, unless he records the transaction on an explosives transaction record, Form 4710.

(b) Prior to the sale or other distribution of explosive materials to a nonlicensee or nonpermittee who is a resident of the State in which the licensee or permittee maintains his business premises or who is not a resident of the State in which the licensee or permittee maintains his business premises and such nonlicensee or nonpermittee is acquiring explosive materials under the provisions contained in § 181.105(c), the licensee or permittee so distributing the explosive materials shall obtain an executed Form 4710 from the distributee. The Form 4710 shall contain all of the information as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part.

(c) Form 4710 shall be completed in duplicate, the original of which shall be retained by the licensee or permittee as part of his permanent records in accordance with the requirements in paragraph (d) of this section, and the copy shall be forwarded to the Assistant Regional Commissioner on or before the close of

business on the business day next succeeding that on which the transaction occurs.

(d) Each original Form 4710 shall be retained in numerical (by transaction serial number) order commencing with "1" and continuing in regular sequence. When the numbering of any series reaches "1,000,000", the licensee or permittee may recommence the series. The recommended series shall be given an alphabetical prefix or suffix. Where there is a change in proprietorship, or in the individual, firm, corporate name, or trade name, the series in use at the time of such change may be continued.

(e) The requirements of this section shall be in addition to any other record-keeping requirement contained in this part.

(f) A licensee or permittee may obtain, upon request, a supply of Form 4710 from any Assistant Regional Commissioner or any District Director.

#### § 181.127 Daily summary of magazine transactions.

In taking the inventory required by §§ 181.122, 181.123, 181.124, and 181.125, the inventory shall be entered in a record of daily transactions to be maintained at each magazine of an approved storage facility. At the close of business of each day each licensee and permittee shall record by class of explosive materials, as prescribed in the Explosives List, the total quantity received in and removed from each magazine during the day and the total remaining on hand at the end of the day. Any discrepancy which might indicate a theft or loss of explosive materials shall be reported in accordance with the provisions of § 181.30.

#### § 181.128 Discontinuance of business.

Where an explosive materials business or operations is discontinued and succeeded by a new licensee or permittee the records prescribed by this subpart shall appropriately reflect such facts and shall be delivered to the successor. Where discontinuance of the business or operations is absolute, the records prescribed by this subpart shall be delivered within 30 day following the business or operations discontinuance to the Assistant Regional Commissioner for the internal revenue region in which the business was operated. *Provided, however,* Where State law or local ordinance requires the delivery of records to other responsible authority, the Assistant Regional Commissioner may arrange for the delivery of the records required by this subpart to such authority. (See also § 181.61.)

#### § 181.129 Exportation.

Explosive materials shall be exported in accordance with the applicable provisions of section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934) and regulations thereunder. However, licensed manufacturers, licensed importers, and licensed dealers exporting explosive materials shall maintain records showing the manufacture or acquisition of explosive materials as required by this part and records showing the quantity and class of explosive materials, as prescribed in the Explosives

List, the name and address of the foreign consignee of the explosive materials and the date the explosive materials were exported.

### Subpart H—Exemptions

#### § 181.141 General.

The provisions of this part shall not apply with respect to:

(a) Any aspect of the transportation of explosive materials via railroad, water, highway, or air which are regulated by the U.S. Department of Transportation, and agencies thereof.

(b) The use of explosive materials in medicines and medicinal agents in the forms prescribed by the official United States Pharmacopoeia, or the National Formulary.

(c) The transportation, shipment, receipt, or importation of explosive materials for delivery to any agency of the United States or to any State or political subdivision thereof.

(d) Small arms ammunition and components thereof.

(e) Black powder in quantities not to exceed five pounds.

(f) The manufacture under the regulation of the military department of the United States of explosive materials for, or their distribution to or storage or possession by the military or naval services or other agencies of the United States.

(g) Arsenal, navy yards, depots, or other establishments owned by, or operated by or on behalf of, the United States.

(h) The importation and distribution of fireworks in a finished state, commonly sold at retail for personal use in compliance with State laws or local ordinances.

(i) Gasoline, fertilizers, propellant actuated devices, or propellant actuated industrial tools manufactured, imported, or distributed for their intended purposes.

#### § 181.142 Relief from disabilities incurred by indictment or conviction.

(a) Any person may make application for relief from the disabilities under the Act incurred by reason of an indictment for or conviction of a crime punishable by imprisonment for a term exceeding 1 year.

(b) An application for such relief shall be addressed to the Commissioner and shall include such supporting data as the applicant deems appropriate. In the case of a corporation, the supporting data should include information as to the absence of culpability in the offense of which the corporation was indicted or convicted, or of any person having the power to direct or control the management of the corporation, if such be the fact. The application shall be filed, in triplicate, with the Assistant Regional Commissioner for the internal revenue region wherein the business premises are located or the applicant resides.

(c) The Commissioner may grant relief to an applicant if it is established to the satisfaction of the Commissioner that the circumstances regarding the indictment or conviction, and the applicant's record and reputation are such



that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

(d) A person who has been granted relief under this section shall be relieved of any disabilities imposed by the Act with respect to engaging in the business of importing, manufacturing, or dealing in explosive materials, or the purchase of explosive materials incurred by reason of such indictment or conviction.

(e) (1) A licensee or permittee who is indicted for or convicted of a crime punishable by imprisonment for a term exceeding 1 year during the term of a current license or permit or while he has pending a license or permit renewal application shall not be barred from licensed or permit operations for 30 days after the date of indictment or 30 days after the date upon which his conviction becomes final, and if he files his application for relief as provided by this section within such 30-day period, he may further continue licensed or permit operations during the pendency of his application. A licensee or permittee who does not file an application within 30 days from the date of his indictment or within 30 days from the date his conviction becomes final, shall not continue licensed or permit operations beyond 30 days from the date of his indictment or beyond 30 days from the date his conviction becomes final.

(2) In the event the term of a license or permit of a person expires during the 30-day period following the date of indictment or during the 30-day period after the date upon which his conviction becomes final or during the pendency of his application for relief, he must file a timely application for renewal of his license or permit in order to continue licensed or permit operations. Such license or permit application shall show that the applicant has been indicted for or convicted of a crime punishable by imprisonment for a term exceeding 1 year.

(3) A licensee or permittee shall not continue licensed or permit operations beyond 30 days following the date the Commissioner issues notification that the licensee's or permittee's application for removal of the disabilities resulting from an indictment or conviction has been denied.

(4) When as provided in this section a licensee or permittee may no longer continue licensed or permit operations, any application for renewal of license or permit filed by the licensee or permittee during the pendency of his application for removal of disabilities resulting from an indictment or conviction, shall be denied by the Assistant Regional Commissioner.

#### Subpart I—Unlawful Acts, Penalties, Seizures, and Forfeitures

##### § 181.161 Engaging in business without a license.

Any person engaging in the business of importing, manufacturing, or dealing

in explosive materials without a license issued under the Act, shall be fined not more than \$10,000 or imprisoned not more than 10 years, or both.

##### § 181.162 False statement or representation.

Any person who knowingly withholds information or makes any false or fictitious oral or written statement or furnishes or exhibits any false, fictitious, or misrepresented identification, intended or likely to deceive for the purpose of obtaining explosive materials, or a license, permit, exemption, or relief from disability under the Act, shall be fined not more than \$10,000 or imprisoned not more than 10 years, or both.

##### § 181.163 False entry in record.

Any licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, or permittee who knowingly makes any false entry in any record required to be kept pursuant to Subpart G of this part, shall be fined not more than \$10,000 or imprisoned not more than 10 years, or both.

##### § 181.164 Unlawful storage.

Any person who stores any explosive material in a manner not in conformity with the provisions of Subpart J of this part, shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both.

##### § 181.165 Failure to report theft or loss.

Any person who has knowledge of the theft or loss of any explosive materials from his stock and fails to report such theft or loss within 24 hours of discovery thereof in accordance with § 181.30, shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both.

##### § 181.166 Seizure or forfeiture.

Any explosive material involved or used or intended to be used in any violation of the provisions of the Act or of this part, or in any violation of any criminal law of the United States shall be subject to seizure and forfeiture, and all provisions of the Internal Revenue Code of 1954 (title 26, U.S.C.) relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5845(a) of that Code (26 U.S.C. 5845(a)), shall, so far as applicable, extend to seizures and forfeitures under the provisions of the Act.

#### Subpart J—Storage

##### § 181.181 General.

(a) No person shall store any explosive materials in a manner not in conformity with the provisions of this subpart (see § 181.29). Section 842(j) of the Act requires that the storage of explosive materials by any person must be in a manner conforming with the regulations contained in this subpart. The storage standards prescribed by this subpart confer no rights or privileges to store explosive materials in a manner contrary to State or other law.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Assistant Regional Commissioner may authorize alternate storage facilities for the storage of explosive materials when it is shown that such alternate facilities are or will be constructed in a manner substantially equivalent to the standards of construction contained in this subpart. Such alternate storage facilities shall not be used for the storage of explosive materials until approval is received from the Assistant Regional Commissioner.

(c) A licensee or permittee who intends to make additions to, modification of, or changes in his approved storage facilities shall follow the procedures and be subject to the requirements of § 181.54(c).

##### § 181.182 Classes of explosive materials.

For purposes of this part, there shall be three classes of explosive materials. These classes, together with the description of explosive materials comprising each class, are as follows.

(a) *High explosives.* Explosive materials which can be caused to detonate by means of a blasting cap when unconfined. (For example, dynamite.)

(b) *Low explosives.* Explosive materials which can be caused to deflagrate when confined. (For example, black powder.)

(c) *Blasting agents.* (For example, ammonium nitrate-fuel oil.)

##### § 181.183 Types of storage facilities.

For purposes of this part, there shall be five types of storage facilities. These types, together with the classes of explosive materials which shall be stored therein, are as follows:

(a) *Type 1 storage facilities.* Permanent storage facilities for the storage of high explosives, subject to the limitations prescribed by §§ 181.186 and 181.193. Other classes may also be stored therein.

(b) *Type 2 storage facilities.* Portable indoor and outdoor storage facilities for the storage of high explosives, subject to the limitations prescribed by §§ 181.186, 181.188(b), and 181.193. Other classes may also be stored therein.

(c) *Type 3 storage facilities.* Portable outdoor facilities for the temporary storage of high explosives while attended (for example, a "day-box"), subject to the limitations prescribed by §§ 181.186 and 181.193. Other classes may also be stored therein.

(d) *Type 4 storage facilities.* Facilities for the storage of low explosives, subject to the limitations prescribed by §§ 181.186(b), 181.190(b), and 181.193. Blasting agents may also be stored therein.

(e) *Type 5 storage facilities.* Facilities for the storage of blasting agents, subject to the limitations prescribed by §§ 181.186 (a) and (c), 181.191(b), and 181.193.

##### § 181.184 Inspection of storage facilities.

Any person storing explosive materials shall open and inspect his storage facilities at intervals not greater than 3 days to determine whether the explosives

therein are intact and to determine whether there has been unauthorized entry or attempted entry into the storage facilities or the unauthorized removal of facilities or their contents.

**§ 181.185 Movement of explosive materials.**

All explosive materials must be kept in storage facilities meeting the standards prescribed by this subpart unless they are:

(a) In the process of manufacture, or  
(b) Being physically handled in the operating process of a licensee or user, or

(c) Being used, or

(d) Being transported to a place of storage or use by a permittee or by a person who has lawfully acquired explosive materials pursuant to the requirements of § 181.126.

**§ 181.186 Location of storage facilities.**

(a) (1) Except as otherwise provided in this subpart, storage facilities in which any explosive materials are stored shall be located at minimum distances from inhabited buildings, passenger railways, public highways, and from other storage facilities in which explosive materials are stored as specified in the American Table of Distances (see § 181.198): *Provided*, That this table shall not apply to any indoor storage facility. When a storage facility is not barricaded, the distances shown in the American Table of Distances shall be doubled. For purposes of this paragraph, a storage facility shall be deemed barricaded when it is effectually screened from inhabited buildings, passenger railways, public highways, and other storage facilities in which explosive materials are stored either by a natural or artificial barricade of such height that a straight line from the top of any sidewall of the storage facility to the eave line of such other inhabited building or storage facility, or to a point 12 feet above the center of a passenger railway or public highway, will pass through such intervening barricade.

(2) If any two or more storage facilities are separated from each other by less than the distances specified in § 181.198, then such two or more storage facilities, as a group, shall be considered as one storage facility, and the total quantity of explosive materials stored in such group shall be treated as if stored in a single facility and shall comply with the minimum of distances specified in § 181.198 from other storage facilities, inhabited buildings, passenger railways, and public highways.

(b) Storage facilities in which low explosives are stored shall be located at minimum distances from inhabited buildings, passenger railways, public highways, and from other storage facilities in which explosive materials are stored as specified in the table of distances for storage of low explosives (see § 181.199): *Provided*, That this table shall not apply to any indoor storage facility. The distances shown therein shall not be reduced by the presence of barricades.

(c) Ammonium nitrate and storage facilities in which blasting agents are

stored shall be located at minimum distances from storage facilities containing high explosives or blasting agents as specified in the Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents (see § 181.200).

**§ 181.187 Construction of type 1 storage facilities.**

A type 1 storage facility shall be a permanent structure: a building, an igloo or Army-type structure, a tunnel, or a dugout. It shall be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and well ventilated.

(a) *Buildings.* All building type storage facilities shall be constructed of masonry, wood, metal, or a combination of these materials and shall have no openings except for entrances and ventilation. Ground around such storage facilities shall slope away for drainage.

(1) *Masonry wall construction.* Masonry wall construction shall consist of brick, concrete, tile, cement block, or cinder block and shall be not less than 6 inches in thickness. Hollow masonry units used in construction shall have all hollow spaces filled with well-tamped coarse dry sand or weak concrete (a mixture of one part cement and eight parts of sand with enough water to dampen the mixture while tamping in place). Interior walls shall be covered with a non-sparking material.

(2) *Fabricated metal wall construction.* Metal wall construction shall consist of sectional sheets of steel or aluminum not less than number 14 gauge, securely fastened to a metal framework. Such metal wall construction shall be either lined inside with brick, solid cement blocks, hardwood not less than 4 inches in thickness, or shall have at least a 6-inch sand fill between interior and exterior walls. Interior walls shall be constructed of or covered with a non-sparking material.

(3) *Wood frame wall construction.* The exterior of outer wood walls shall be covered with iron or aluminum not less than number 26 gauge. An inner wall of nonsparking material shall be constructed so as to provide a space of not less than 6 inches between the outer and inner walls, which space shall be filled with coarse dry sand or weak concrete.

(4) *Floors.* Floors shall be constructed of a nonsparking material and shall be strong enough to bear the weight of the maximum quantity to be stored.

(5) *Foundations.* Foundations shall be constructed of brick, concrete, cement block, stone, or wood posts. If piers or posts are used, in lieu of a continuous foundation, the space under the buildings shall be enclosed with metal.

(6) *Roof.* Except for buildings with fabricated metal roofs, the outer roof shall be covered with no less than number 26-gauge iron or aluminum fastened to  $\frac{1}{8}$ -inch sheathing.

(7) *Bullet-resistant ceilings or roofs.* Where it is possible for a bullet to be fired directly through the roof and into the storage facility at such an angle that the bullet would strike a point below the top of inner walls, storage facilities shall

be protected by one of the following methods:

(i) A sand tray shall be located at the tops of inner walls covering the entire ceiling area, except that necessary for ventilation, lined with a layer of building paper, and filled with not less than 4 inches of coarse dry sand.

(ii) A fabricated metal roof shall be construction of  $\frac{3}{16}$ -inch plate steel lined with 4 inches of hardwood. (For each additional  $\frac{1}{16}$ -inch of plate steel, the hardwood lining may be decreased 1 inch.)

(8) *Doors.* All doors shall be constructed of  $\frac{1}{4}$ -inch plate steel and lined with 2 inches of hardwood. Hinges and hasps shall be attached to the doors by welding, riveting or bolting (nuts on inside of door). They shall be installed in such a manner that the hinges and hasps cannot be removed when the doors are closed and locked.

(9) *Locks.* Each door shall be equipped with two mortise locks; or with two padlocks fastened in separate hasps and staples; or with a combination of mortise lock and a padlock; or with a mortise lock that requires two keys to open; or a three-point lock. Locks shall be five-tumbler proof. All padlocks shall be protected with  $\frac{1}{4}$ -inch steel caps constructed so as to prevent sawing or lever action on the locks or hasps.

(10) *Ventilation.* Except at doorways, a 2-inch air space shall be left around ceilings and the perimeter of floors. Foundation ventilators shall be not less than 4 by 6 inches. Vents in the foundation, roof, or gables shall be screened and offset.

(11) *Exposed metal.* No sparking metal construction shall be exposed below the top of walls in the interior of storage facilities, and all nails therein shall be blind-nailed or countersunk.

(b) *Igloos, Army-type structures, tunnels, and dugouts.* Igloo, Army-type, tunnel, and dugout storage facilities shall be constructed of reinforced concrete, masonry, metal or a combination of these materials. They shall have an earthmound covering of not less than 24 inches on the top, sides and rear. Interior walls and floors shall be covered with a nonsparking material. Storage facilities of this type shall also be constructed in conformity with the requirements of paragraph (a) (4) and paragraphs (a) (8) through (11) of this section.

**§ 181.188 Construction of type 2 storage facilities.**

A type 2 storage facility shall be a box, a trailer, a semitrailer or other mobile facility. It shall be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and well ventilated. Except as provided in paragraph (c) of this section, hinges and hasps shall be attached to the covers or doors in the manner prescribed in § 181.187(a) (8) and the locking system shall be that prescribed in § 181.187(a) (9).

(a) *Outdoor storage facilities.* Outdoor storage facilities shall be at least 1 cubic yard in size and supported in such a manner so as to prevent direct

contact with the ground. The sides, bottoms, tops, and covers or doors shall be constructed of 1/4-inch steel and shall be lined with 2 inches of hardwood. Edges of metal covers shall overlap sides at least 1 inch. The ground around such storage facilities shall slope away for drainage. When unattended, vehicular storage facilities shall have wheels removed or shall be otherwise effectively immobilized by kingpin locking devices or other methods approved by the Director.

(b) *Indoor storage facilities.* No indoor facility for the storage of high explosives shall be located in a residence or dwelling. When located in a warehouse, wholesale, or retail establishment, such storage facilities shall be provided with substantial wheels or casters to facilitate removal therefrom. No more than two indoor storage facilities shall be kept in any one building. Two storage facilities may be kept in the same building only when one is used for the storage of blasting caps, squibs, or similar items and the other facility is used for the storage of other high explosives. Each storage facility shall be located on the floor nearest the ground level and within 10 feet of an outside exit. Indoor storage facilities within one building shall be separated by a distance of not less than 10 feet. No indoor storage facility shall contain a quantity of high explosives in excess of 50 pounds or more than 5,000 blasting caps. Indoor facilities shall be of wood or metal construction as prescribed in subparagraphs (1) or (2) of this paragraph.

(1) *Wood construction.* Wood indoor storage facilities shall have sides, bottoms, and covers or doors constructed of 2-inch hardwood and shall be well braced at corners. They shall be covered with sheet metal of not less than number 20 gauge. Nails exposed to the interior of such facilities shall be countersunk.

(2) *Metal construction.* Metal indoor storage facilities shall have sides, bottoms, and covers or doors constructed of number 12-gauge metal and shall be lined inside with a nonsparking material. Edges of metal covers shall overlap sides at least 1 inch.

(c) *Cap boxes.* Storage facilities for blasting caps in quantities of 100 or less shall have sides, bottoms, and covers constructed of number 12-gauge metal and lined with a nonsparking material. Hinges and hasps shall be attached thereto by welding. A single five-tumbler proof lock shall be sufficient for locking purposes.

**§ 181.189 Construction of type 3 storage facilities.**

A type 3 storage facility shall be a "day-box" or other portable facility. It shall be constructed in the same manner prescribed for type 2 outdoor storage facilities in § 181.188(a), except that it may be less than 1 cubic yard in size, and shall be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and well ventilated. Hinges, hasps, locks, and lock protection shall be in conformity with the requirements of § 181.187(a) (8) and (9). The ground around such storage facilities shall slope

away for drainage. No explosive materials shall be left in such facilities if unattended. The explosive materials contained therein must be removed to types 1 or 2 storage facilities for unattended storage.

**§ 181.190 Construction of type 4 storage facilities.**

A type 4 storage facility may be a building, an igloo or Army-type structure, a tunnel, a dugout, a box, a trailer, or a semitrailer or other mobile facility and shall be fire-resistant, weather-resistant, and theft-resistant. They shall be constructed of masonry, metal-covered wood, fabricated metal, or a combination of these materials. The walls and floors of such storage facilities shall be lined with a nonsparking material. The doors or covers shall be metal or solid wood covered with metal. The foundations, locks, lock protection, hinges, hasps, and interior shall be in conformity with the requirements of § 181.187(a) (5), (8), (9), and (11).

(a) *Outdoor storage facilities.* The ground around such storage facilities shall slope away for drainage. When unattended, vehicular storage facilities shall have wheels removed or shall be otherwise effectively immobilized by kingpin locking devices or other methods approved by the Director.

(b) *Indoor storage facilities.* No indoor facility for the storage of low explosives shall be located in a residence or dwelling. When located in a warehouse, wholesale, or retail establishment, such storage facilities shall be provided with substantial wheels or casters to facilitate removal therefrom. No more than one indoor storage facility shall be kept in any one building. It shall be located on the floor nearest the ground level and within 10 feet of an outside exit. No indoor storage facility shall contain a quantity of low explosives in excess of 50 pounds.

**§ 181.191 Construction of type 5 storage facilities.**

A Type 5 storage facility may be a building, an igloo or Army-type structure, a tunnel, a dugout, a bin, a box, a trailer, or a semitrailer or other mobile facility and shall be theft-resistant. The doors or covers thereof shall be solid wood or metal. The hinges, hasps, locks, and lock protection shall be in conformity with the requirements of § 181.187(a) (8) and (9).

(a) *Outdoor storage facilities.* The ground around such storage facilities shall slope away for drainage. When unattended, vehicular storage facilities shall have wheels removed or shall be otherwise effectively immobilized by kingpin locking devices or other methods approved by the Director.

(b) *Indoor storage facilities.* No indoor storage facility for the storage of blasting agents shall be located in a residence or dwelling.

**§ 181.192 Smoking and open flames.**

Smoking, matches, open flames, and spark-producing devices shall not be permitted in, or within 50 feet of, any outdoor storage facility.

**§ 181.193 Quantity and storage restrictions.**

Explosive materials in excess of 300,000 pounds and blasting caps in excess of 20 million shall not be stored in one storage facility. Blasting caps shall not be stored with other explosive materials in the same storage facility.

**§ 181.194 Storage within types 1, 2, 3, and 4 facilities.**

(a) Explosive materials within a storage facility shall not be placed directly against interior walls. Any devices constructed or placed within a storage facility shall not interfere with ventilation.

(b) Containers of explosive materials shall be stored by being laid flat with top sides up. Corresponding classes, grades, and brands shall be stored together within a storage facility in such a manner that class, grade, and brand marks are easily visible upon inspection. Stocks of explosive materials shall be stored so as to be easily counted and checked.

(c) Except with respect to fiberboard containers, containers of explosive materials shall not be unpacked or repacked inside a storage facility or within 50 feet thereof, and shall not be unpacked or repacked in close proximity to other explosive materials. Containers of explosive materials shall be securely closed while being stored.

(d) Tools used for opening or closing containers of explosive materials shall be of nonsparking materials, except that metal slitters may be used for opening fiberboard containers. A wood wedge and a fiber, rubber, or wooden mallet shall be used for opening or closing wood containers of explosive materials. Metal tools other than nonsparking transfer conveyors shall not be stored in any storage facility containing high explosives.

**§ 181.195 Housekeeping.**

Storage facilities shall be kept clean, dry, and free of grit, paper, empty packages and containers, and rubbish. Floors shall be regularly swept. Brooms and other utensils used in the cleaning and maintenance of storage facilities shall have no spark-producing metal parts. Floors stained by leakage from explosive materials shall be cleaned according to instructions of the manufacturer. When any explosive material has deteriorated to the extent that it is in a dangerous condition, or if a liquid leaks therefrom, it shall be destroyed in accordance with the instructions of its manufacturer. The area surrounding storage facilities shall be kept clear of rubbish, brush, dry grass, or trees for not less than 25 feet in all directions. Any other combustible materials shall be kept a distance of not less than 50 feet from outdoor storage facilities.

**§ 181.196 Repair of storage facilities.**

Prior to the interior repair of storage facilities, all explosive materials shall be removed and the interior shall be cleaned. Prior to the exterior repair of storage facilities, all explosive materials shall be removed if there exists a possibility that such repairs may produce sparks or flame. The explosive materials

removed from storage facilities under repair shall either be placed in other storage facilities appropriate for the storage of such materials under this subpart or placed a safe distance from the facilities under repair where they shall be properly guarded and protected until the repairs have been completed.

#### § 181.197 Lighting.

No lighting shall be placed or used in a storage facility of type 1, 2, 3, or 4 except battery-activated safety lights or battery-activated safety lanterns.

#### § 181.198 American table of distances for storage of explosive materials.

Explosives		Distances in feet when storage is barricaded			
Pounds over	Pounds not over	Inhabited buildings	Passenger railways	Public highways	Separation of magazines
2	5	70	30	30	6
5	10	90	35	35	8
10	20	110	45	45	10
20	30	125	50	50	11
30	40	140	55	55	12
40	50	150	60	60	14
50	75	170	70	70	15
75	100	190	80	80	16
100	125	200	85	85	18
125	150	215	85	85	19
150	200	235	95	95	21
200	250	255	105	105	23
250	300	270	110	110	24
300	400	295	120	120	27
400	500	320	130	130	29
500	600	340	135	135	31
600	700	355	145	145	32
700	800	375	150	150	33
800	900	390	155	155	35
900	1,000	400	160	160	36
1,000	1,200	425	170	165	39
1,200	1,400	450	180	170	41
1,400	1,600	470	190	175	43
1,600	1,800	490	195	180	44
1,800	2,000	505	205	185	45
2,000	2,500	545	220	190	49
2,500	3,000	580	235	195	52
3,000	4,000	635	255	210	58
4,000	5,000	685	275	225	61
5,000	6,000	730	295	235	65
6,000	7,000	770	310	245	68
7,000	8,000	800	320	250	72
8,000	9,000	835	335	255	75
9,000	10,000	865	345	260	78
10,000	12,000	875	370	270	82
12,000	14,000	885	380	275	87
14,000	16,000	900	405	280	90
16,000	18,000	940	420	285	94
18,000	20,000	975	435	290	98
20,000	25,000	1,055	470	315	105
25,000	30,000	1,130	500	340	112
30,000	35,000	1,205	525	360	119
35,000	40,000	1,275	550	380	124
40,000	45,000	1,340	570	400	129
45,000	50,000	1,400	590	420	135
50,000	55,000	1,460	610	440	140
55,000	60,000	1,515	630	455	145
60,000	65,000	1,565	650	470	150
65,000	70,000	1,610	670	485	155
70,000	75,000	1,655	675	500	160
75,000	80,000	1,695	690	510	165
80,000	85,000	1,730	705	520	170

See footnotes at end of document.

Explosives		Distances in feet when storage is barricaded			
Pounds over	Pounds not over	Inhabited buildings	Passenger railways	Public highways	Separation of magazines
85,000	90,000	1,760	720	530	175
90,000	95,000	1,790	730	540	180
95,000	100,000	1,815	745	545	185
100,000	110,000	1,835	770	550	195
110,000	120,000	1,855	790	555	205
120,000	130,000	1,875	810	560	215
130,000	140,000	1,890	835	565	225
140,000	150,000	1,900	850	570	235
150,000	160,000	1,935	870	580	245
160,000	170,000	1,965	890	590	255
170,000	180,000	1,990	905	600	265
180,000	190,000	2,010	920	605	275
190,000	200,000	2,080	935	610	285
200,000	210,000	2,065	955	620	295
210,000	230,000	2,100	980	635	315
230,000	250,000	2,155	1,010	650	335
250,000	275,000	2,215	1,040	670	360
275,000	300,000	2,275	1,075	690	385

(American Table of Distances for Storage of Explosives, as Revised and Approved by The Institute of Makers of Explosives, June 5, 1964)

#### § 181.199 Table of distances for storage of low explosives.

Pounds (over)	Pounds (not over)	Inhabited building distance <sup>1</sup> (feet)	Public road and highway distance <sup>1</sup> (feet)	Above-ground magazine (feet)
(1)	(2)	(3)	(4)	(5)
0	1,000	75	75	50
1,000	5,000	115	115	75
5,000	10,000	150	150	100
10,000	20,000	190	190	125
20,000	30,000	215	215	145
30,000	40,000	225	225	155
40,000	50,000	250	250	165
50,000	60,000	260	260	175
60,000	70,000	270	270	185
70,000	80,000	280	280	190
80,000	90,000	295	295	195
90,000	100,000	300	300	200
100,000	200,000	375	375	250
200,000	300,000	450	450	300

<sup>1</sup> Recommended separation distances to prevent explosion of ammonium nitrate and ammonium nitrate-based blasting agents by propagation from nearby stores of high explosives or blasting agents referred to in the Table as the "donor." Ammonium nitrate, by itself, is not considered to be a donor when applying this Table. Ammonium nitrate, ammonium nitrate-fuel oil or combinations thereof are acceptors. If stores of ammonium nitrate are located within the sympathetic detonation distance of explosives or blasting agents, one-half the mass of the ammonium nitrate should be included in the mass of the donor.

These distances apply to the separation of stores only. The American Table of Distances shall be used in determining separation distances from inhabited buildings, passenger railways and public highways.

(A portion of Table 5-4.1, as published in Department of Defense 4145.27 M, "DOD Ammunition and Explosives Safety Standards", March 1969.)

#### § 181.200 Table of recommended separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.

Donor weight		Minimum separation distance of receptor when barricaded <sup>1</sup> (ft.)		Minimum thickness of artificial barricades <sup>4</sup> (in.)
Pounds over	Pounds not over	Ammonium nitrate <sup>2</sup>	Blasting agent <sup>3</sup>	
	100	3	11	12
100	200	4	14	12
200	300	5	18	12
300	400	6	22	12
400	500	7	25	12
500	600	8	29	12
600	700	9	32	15
700	800	10	36	15
800	900	11	40	15
900	1,000	12	43	20
1,000	1,200	13	47	20
1,200	1,400	14	50	20
1,400	1,600	15	54	25
1,600	1,800	16	58	25
1,800	2,000	18	66	25
2,000	2,500	19	72	30
2,500	3,000	20	77	30
3,000	3,500	21	81	30
3,500	4,000	22	85	35
4,000	4,500	23	88	35
4,500	5,000	24	91	35
5,000	5,500	25	94	40
5,500	6,000	26	97	40
6,000	6,500	27	101	40
6,500	7,000	28	104	40
7,000	7,500	29	108	40
7,500	8,000	30	115	40
8,000	8,500	31	122	50
8,500	9,000	32	125	50
9,000	9,500	33	128	50
9,500	10,000	34	133	50
10,000	10,500	35	137	50
10,500	11,000	36	144	50
11,000	11,500	37	158	50
11,500	12,000	38	173	50
12,000	12,500	39	187	60
12,500	13,000	40	202	60
13,000	13,500	41	216	60
13,500	14,000	42	230	60

<sup>1</sup> When the ammonium nitrate and/or blasting agent is not barricaded, the distances shown in the Table shall be multiplied by six. These distances allow for the possibility of high velocity metal fragments from mixers, hoppers, truck bodies, sheet metal structures, metal containers, and the like which may enclose the "donor." Where storage is in bullet-resistant magazines recommended for explosives or where the storage is protected by a bullet-resistant wall, distances and barricade thicknesses in excess of those prescribed in the American Table of Distances are not required.

<sup>2</sup> The distances in the Table apply to ammonium nitrate that passes the insensitivity test prescribed in the definition of ammonium nitrate fertilizer promulgated by the National Plant Food Institute; and ammonium nitrate failing to pass said test shall be stored at separation distances determined by competent persons and approved by the authority having jurisdiction.

<sup>3</sup> These distances apply to nitro-carbo-nitrates and blasting agents which pass the insensitivity test prescribed in the U.S. Department of Transportation (DOT) regulations.

<sup>4</sup> Earth, or sand dikes, or enclosure filled with the prescribed minimum thickness of earth or sand are acceptable artificial barricades. Natural barricades, such as hills or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the "donor" when the trees are bare of leaves are also acceptable.

(Reprinted from Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents, NFPA No. 492-1969 Edition, as approved by the Institute of Makers of Explosives.)

[FR Doc. 71-531 Filed 1-14-71; 8:45 am]

## DEPARTMENT OF THE TREASURY

Internal Revenue Service  
COMMERCE IN EXPLOSIVES

## Explosives List

Pursuant to the provisions of section 841(d), title 18, United States Code, and § 181.23, Title 26, Code of Federal Regulations (26 CFR Part 181), the Director, Alcohol, Tobacco and Firearms Division, Internal Revenue Service, must publish and revise at least annually in the FEDERAL REGISTER a list of explosives determined to be within the coverage of 18 U.S.C., Chapter 40, Importation, Manufacture, Distribution and Storage of Explosive Materials.

The following is the initial Explosives List required to be so published.

[SEAL] REX D. DAVIS,  
Acting Director, Alcohol, Tobacco and Firearms Division,  
Internal Revenue Service, U.S.  
Treasury Department.

JANUARY 11, 1971.

## EXPLOSIVES LIST

## A

Aluminum containing polymeric propellant.  
Aluminum ophorite explosive.  
Amatol.  
Amitol.  
Ammonal.  
Ammonium nitrate—amino compound explosives  
Ammonium nitrate explosive mixtures (cap sensitive).  
Ammonium nitrate-nitroglycerine mixture.  
Ammonium nitrate-nitrolactose mixture.  
Aromatic nitro-explosive mixture.  
Ammonium perchlorate composite propellant.  
Ammonium perchlorate explosive mixtures.  
Ammonium picrate.  
Ammonium salt lattice with isomorphously substituted inorganic salts.

## B

BEAF (1,2-bis (2,2-difluoro-2-nitroacetoxy-ethane)).  
Black powder.  
Blasting caps.  
Blasting gelatin.  
Blasting powder.  
BTNEC (bis (trinitroethyl) carbonate).  
BTNEN (bis (trinitroethyl) nitramine).

## C

Chlorate of potash explosive mixtures.  
Carboxy-terminated propellant.  
Cellulose hexanitrate explosive mixture.  
Chlorate explosive mixtures.  
Chlorate of potash explosive mixtures.  
Chlorates with red phosphorus explosive mixture.  
Chlorates with sulphur explosive mixture.  
Copper acetylide explosive mixture.  
Crystalline explosive (cap sensitive).  
Crystalline picrate with lead azide explosive mixture.  
Cyclonite.  
Cyclotetramethylenetetranitramine.  
Cyclotetramethylenetrinitramine.  
Cyclotrimethylene.

## D

DATB (diaminotrinitrotetram ethylene tetranitramine).  
Delay powders.

Detonating cord.  
Detonators.  
Diazodinitrophenol.  
Dimethylol dimethyl methane dinitrate composition.  
Dinitroethylenurea.  
Dinitroglycerine.  
Dinitrophenyl.  
Dinitrophenyl hydrazine.  
Dinitrotoluene-sodium nitrate explosive mixtures.  
Dipicryl sulfone.  
DNDP (dinitropentano nitrile).  
DNPA (2,2-dinitropropyl acrylate).

## E

EDNP (ethyl 4,4-dinitropentanoate).  
Erthritol tetranitrate explosives.  
Ethylene-dinitramine.  
Ethyl-tetrayl.  
Explosive conitrates.  
Explosive gelatins.  
Explosive mixtures containing oxygen releasing inorganic salts and hydrocarbons.  
Explosive mixtures containing oxygen releasing inorganic salts and nitro bodies.  
Explosive mixtures containing oxygen releasing inorganic salts and water insoluble fuels.  
Explosive mixtures containing oxygen releasing inorganic salts and water soluble fuels.  
Explosive nitro compounds of aromatic hydrocarbons.  
Explosive organic nitrate mixtures.  
Explosive powders.

## F

FEFO (bis (2,2-dinitro-2-fluoroethyl)).  
Fulminate of mercury.  
Fulminating gold.

## G

Gelatinized nitrocellulose.  
Gem-dinitro aliphatic explosive mixtures.  
Glyceryl trinitrate.  
Guanyl nitrosamino guanyl tetrazene.  
Guanyl nitrosamino guanylidene hydrazine.  
Guncotton.

## H

Heavy metal azides.  
Hexanite.  
Hexogen.  
Hexogene or octogene and A nitrated N-Methylaniline.  
Hexolites.  
Hmx (cyclo-1,3,5,7-tetramethylene-2,4,6,8-tetranitramine).  
Hydrazine and unsymmetrical dimethylhydrazine propellant.  
Hydrazine perchlorate explosive mixtures.  
Hydrazinium nitrate/hydrazine/aluminum explosive system.  
Hydrazoic acid.

## I

Igniter cord.  
Igniters.  
Inorganic perchlorate explosive mixtures.

## L

Lead azide.  
Lead mannite.  
Lead mononitroresorsinate.  
Lead picrate.  
Lead styphnate.  
Lead trinitro resorcinate.  
Liquid nitrated polyol and trimethylolethane.  
Liquid oxygen with carbon black.  
Liquid oxygen explosives.  
Liquid oxygen with wood pulp.  
Lithium perchlorate explosive mixtures.

## M

Magnesium ophorite explosives.  
MDNP (methyl 4,4-dinitropentanoate).  
Mercury oxalate.  
Mercury tartrate.  
Mononitrotoluene nitroglycerin mixture.  
Monopropellants.

## N

Nitrate sensitized with gelled nitroparaffin.  
Nitrated carbohydrate explosive.  
Nitrated glucoside explosive.  
Nitrated mixture explosives (ammonium and sodium).  
Nitrated polyhydric alcohol emulsion explosive.  
Nitrated propylene glycol explosive.  
Nitrates of soda explosive mixtures.  
Nitrates of polyatomic alcohol and carbohydrate explosive mixtures.  
Nitric acid and A nitro aromatic compound explosive.  
Nitric acid and carboxylic fuel explosive.  
Nitric acid explosive mixtures.  
Nitro aromatic explosive mixtures.  
Nitro compounds of furane explosive mixtures.  
Nitrocellulose explosive.  
Nitroderivative of urea explosive mixture.  
Nitrogelatin explosive.  
Nitrogen resorcinate.  
Nitrogen trichloride.  
Nitrogen tri-iodide.  
Nitroglycerin.  
Nitroglycide.  
Nitroglycol.  
Nitroguanidine explosives.  
Nitronium perchlorate propellant mixtures.  
Nitropentaerythrite.  
Nitropentaerythrite-nitroglycerine composition.  
Nitrostarch.  
Nitrourea.  
N-Nitrophenyl diazonium perchlorate.

## O

Octogen.  
Octol (75% HMX, 25% TNT).

## P

Particulate explosives.  
Pellet powder.  
Pentaerythritol tetranitrate.  
Pentaerythrite tetranitrate.  
Pentaerythritol tetranitrate.  
Penthrinite composition.  
Pentolite.  
Perchlorate mixture explosives.  
Perchloric acid based explosive mixtures.  
Peroxide based explosive mixtures.  
PETN.  
Picrate of ammonia.  
Picrate of potassium explosive mixtures.  
Picratol.  
Picric acid.  
Picryl chloride.  
Picryl fluoride.  
Polyolpolynitrate-nitrocellulose explosive mixtures.  
Potassium chlorate and lead sulfocyanate explosive.  
Potassium chlorate base explosive mixtures.  
Pressure venting blasting devices.

RDX (cyclo-1,3,5-trimethylene-2,4,6-trinitramine).

## S

Safety fuses.  
Salts of organic amino suphonic acid explosive mixture.  
Silver acetylide.  
Silver oxalate explosive mixtures.  
Silver tartrate explosive mixtures.  
Slurried explosive mixtures of water, inorganic oxidizing salt, gelling agent, fuel, and sensitizer.  
Smokeless gun powder.  
Sodamol.  
Sodium amatol.  
Sodium chlorate explosive mixture.  
Sodium chlorate-sodium nitrate explosive mixtures.  
Sodium nitrate-potassium nitrate explosive mixture.  
Squibs.  
Styphnate of lead.  
Styphnic acid.



## T

Tacot (tetranitro-2,3,5,6-dibenzo-1,3a,4,6a-tetraazapentalene).  
 Tetrazene.  
 Tetranitroaniline.  
 2-4-6-Tetranitroaniline.  
 Tetra-nitro-aniline explosive mixture.  
 Tetranitromethane explosive mixtures.  
 Tetryl.  
 Tetrytol.  
 Thickened inorganic oxidizer salt slurried explosive mixtures.  
 TNEF (trinitroethyl formal).  
 TNEOC (trinitroethyl orthocarbonate).  
 TNEOF (trinitroethyl orthoformate).  
 TNT (trinitrotoluene).

Torpex.  
 Tridite.  
 Trimethylenetrinitramine.  
 Trimethylol ethyl methane trinitrate composition.  
 Trimethylolthane trinitrate-nitrocellulose.  
 Trimonite.  
 Trinitramine.  
 Trinitrobenzene.  
 Trinitrobenzoic acid.  
 Trinitrocreasol.  
 Trinitroglycerine.  
 Tri-nitro glycerine mixture.  
 Trinitronaphthalene.  
 Trinitrophenylethyltrinitramine explosive mixtures.

Trinitrophenylmethylnitramine explosive mixtures.  
 Trinitroresorcinol.  
 Trinitrotoluene explosive mixture.  
 Trinitrotoluol explosive mixtures.  
 Tritonal.

## U

Urea nitrate.

## W

Water bearing explosives having salts of oxidizing acids and nitrogen bases, sulfates or sulfamates.

## X

Xanthamomas hydrophilic colloid explosive mixture.

[FR Doc.71-530 Filed 1-14-71;8:45 am]



Technical drawing of a rectangular frame structure. The overall dimensions are 22'0" in width and 10'0" in height. The height is divided into three sections: 2'6" at the top, 5'0" in the middle, and 2'6" at the bottom. The drawing shows a rectangular frame with diagonal bracing. Two horizontal members are labeled with circled numbers 1 and 2. A vertical member is labeled with a circled number 3. The drawing is a perspective view showing the front and side of the structure.

Diagram illustrating a grid layout with dimensions and numbered circles:

- Vertical dimension: 20'0"
- Horizontal dimension: 10'0"
- Grid lines: Solid lines define the main grid, and dashed lines indicate overlaps.
- Numbered circles (6): Located at the intersections of the grid lines.
- Numbered circle (7): Located in the top right corner.
- Text: MIN. 3" OVERLAP

Hand-drawn floor plan of a rectangular building. The overall dimensions are 8'0" wide by 8'6" deep. The plan includes the following details:

- Dimensions:**
  - Overall width: 8'0"
  - Overall depth: 8'6"
  - Interior width (between walls): 3'4" x 4" T 4
  - Interior depth (between walls): 3'0" x 12"
- Construction Details:**
  - Walls & Ceiling:** Lining to be 2 layers of wood, each 2" thick, 1/4" set.
  - Windows:** Located on the left and right walls. Each window is 2'0" wide and 2'6" high. The left wall has two windows, and the right wall has two windows.
  - Doors:** Located on the bottom wall. Each door is 3'0" wide and 12" high. The bottom wall has two doors.
  - Labels:**
    - 1" x 6" (pointing to the top and bottom walls)
    - 2" x 6" (pointing to the left and right walls)
    - 3" x 12" (pointing to the interior space)
    - 3'4" x 4" T 4 (pointing to the interior space)

Technical drawing of a rectangular structure, likely a ventilation duct or panel. The drawing shows two views: a front view (top) and a side view (bottom).

**Front View (Top):**

- Overall width: 8' 6"
- Overall height: 8' 6"
- Internal width: 8' 0"
- Internal height: 8' 0"
- Labels: "BOLT LINE", "VENTILATORS SEE DETAIL", "MIN. 2" OVERLAP"
- Dimensions: 14" (width of ventilator opening), 14" (height of ventilator opening).
- Callouts: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26.

**Side View (Bottom):**

- Overall width: 8' 6"
- Overall height: 8' 6"
- Internal width: 8' 0"
- Internal height: 8' 0"
- Labels: "BOLT LINE", "VENTILATORS SEE DETAIL", "MIN. 2" OVERLAP"
- Dimensions: 14" (width of ventilator opening), 14" (height of ventilator opening).
- Callouts: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26.

TOP VIEW  
SCALE 1/4" = 1'-0"

4 5 6

SEE DOOR DETAIL

A diagram of a rectangular area divided into four quadrants by a horizontal and vertical dashed line. The quadrants are numbered 1, 2, 3, and 4. A vertical dashed line is labeled "BOLT LINE".

A technical drawing of a corner joint. It shows a vertical wall and a horizontal ceiling or floor. A vertical strip labeled "4" WOOD LINING" is attached to the wall. A horizontal strip labeled "1" X 6"" is attached to the ceiling. The strips meet at a corner. Callout "10" points to the vertical strip, and callout "11" points to the horizontal strip.

[illegible]

This architectural floor plan shows a rectangular room with the following dimensions and features:

- Overall Dimensions:**
  - Width: 42" (top) and 42" (bottom)
  - Depth: 12" (left), 17" (left), 12" (left), 17" (left), 12" (right), 27" (right), 27" (right), 18" (right)
- Room Features:**
  - A central rectangular area, possibly a fireplace or a large window, is labeled (16).
  - A smaller rectangular area, possibly a doorway or a niche, is labeled (17).
  - A rectangular area at the bottom is labeled (18).
  - A rectangular area at the top is labeled (19).
  - A rectangular area at the bottom right is labeled (20).
  - A rectangular area at the bottom right is labeled (21).
  - A rectangular area at the bottom right is labeled (22).
- Annotations:**
  - Top left corner: 1/4" (width), 3" (height)
  - Top right corner: 1/4" (width), 3" (height), 3/16" DIA. (diameter)
  - Bottom right corner: 1/4" (width), 3" (height)

5-12 REQ.

1/8" x 2 1/4" SLOT THRU (16) & (17)

9/16" DIA. HOLES

48 1/2"

42"

3 1/4"

35 1/2"

3 1/4"

1/4"

9"

8"

8"

8"

9"

10GA FILLER

5" WOOD LINING

2" x 12" x 6" DOOR PLATE

1" x 6"

10GA FILLER MAG. EXT.

14

17

18

19

20

21

22

23

24

Technical drawing of a rectangular box. The drawing shows a top-down view of the box with a dashed line indicating the inner rectangle. Dimensions are given in inches: the overall width is 12", the overall height is 18", the inner width is 10", and the inner height is 16". A label "RAIN" with an arrow pointing to the top edge is shown.

PORTABLE STEEL MAGAZINE  
(BULLET RESISTANT)

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